



United States
CONSUMER PRODUCT SAFETY COMMISSION
Washington, D.C. 20207

MEMORANDUM

DATE: March 18, 2003

TO : Elizabeth Leland, EC
Through: Todd A. Stevenson, Secretary, OS 
FROM : Martha A. Kosh, OS
SUBJECT: Petition Requesting Ban of All-Terrain Vehicles
Sold for Use by Children 16 Years Old

ATTACHED ARE COMMENTS ON THE CA 03-1

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
CA 03-1-1	10/24/02	Bev Stubbs	6505 Fruiland RDNE Salem, OR 97301
CA 03-1-2	11/06/02	Vernon Tolo President	American Association of Orthopaedic Surgeons 6300 North River Rd. Rosemont, IL 60018
CA 03-1-3	11/07/02	Jeffrey Briton MD, FAAP	American Academy of Pediatrics 2414 Kohler Memorial Dr. Sheboygan, WI 53081
CA 03-1-4	11/08/02	Donna Nowakowski Exec. Director	Emergency Nurses Assoc. 915 Lee Street Des Plaines, IL 60016
CA 03-1-5	11/08/02	Consumers Appx 1,500	Consumers
CA 03-1-6	11/12/02	Heather Paul Exec. Director	National Safe Kids Campaign 1301 Pennsylvania Ave, NW, Suite 1000 Washington, DC 20004
CA 03-1-7	11/22/02	Michael Martin	2344 Reflections Dr. Aurora, IL 60504

**Petition Requesting Ban of All-Terrain Vehicles Sold for Use by
Children 16 Years Old**

CA 03-1-8	11/22/02	Gary Smith MD, FAAP, FACPM Director	Children's Center for Injury Research and Policy Children's Hospital 700 Children's Dr. Columbus, OH 43205
CA 03-1-9	11/25/02	Cathy Ellis Coordinator	Wilkes County Safe Kids Child Abuse Prevention Team 203 East Main St. Wilkesboro, NC 28697
CA 03-1-10	12/03/02	Donna Joyner BSN, Coordinator	Forsyth County Safe Kids Wake Forest Univ. School Of Medicine at the Bowman Gray Campus & the NC Baptist Hospitals, Incorporated Medical Center Boulevard Winston-Salem, NC 27157
CA 03-1-11	12/06/02	Doug Farnen	RR 4, Box 35 Salisbury, MO 65281
CA 03-1-12	12/07/02	Maya Fischhoff	1116 Nielsen Ct, #3 Ann Arbor, MI 48105
CA 03-1-13	12/07/02	Robert DiTusa	Rt 6, Box 22H Blanchard, OK 73010
CA 03-1-14	12/07/02	Margaret Mitchell	2009 North Broad St. Galesburg, IL 61401
CA 03-1-15	12/07/02	Nancy Oliver	427 S Westminster Ave Apt. 113 Los Angeles, CA 90020
CA 03-1-16	12/07/02	David Veenstra	1800 Rossman, SE Grand Rapids, MI 49507
CA 03-1-17	12/07/02	Karyn LeMay	8395 Cypress Ct Dublin, CA 94568
CA 03-1-18	12/07/02	Jonathan Perkins	2417 Mathews Ave, #C Redondo Beach, CA 90278
CA 03-1-19	12/08/02	K. Armstrong	6321 N Winthrop Ave Apt. 206 Chicago, IL 60660
CA 03-1-20	12/08/02	Jessica Price	13902 Tangle Tree San Antonio, TX 78247

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CA 03-1-21	12/09/02	Scott Atchison	7718 Stony River Ct Bakersfield, CA 93308
CA 03-1-22	12/06/02	M. Tillirson D.O. Emergency Dept. Medical Director	Anderson Area Medical Center 800 North Fant St. Anderson, SC 29621
CA 03-1-23	12/10/02	Public Interest Groups (20)	Alabama Watch The Baily Building 400 S Union St, Ste 245 Montgomery, AL 36104
CA 03-1-24	12/11/02	E Stephen Edwards MD, President	American Academy of Pediatrics The Homer Building 601 thirteenth St, NW Suite 400 North Washington, DC 20005
CA 03-1-25	12/12/02	Janet Paquette MD, FACEP OCEP, President	The Oregon Chapter of the American College of Emergency Physicians
CA 03-1-26	12/12/02	Nancy Cowles Exec. Director	Kids In Danger 116 W. Illinois Street Suite 5E Chicago, IL 60610
CA 03-1-27	12/12/02	Royce Wood (AMA) Doug Morris (ATV Assoc)	American Motorcyclist Association 13515 Yarmouth Dr. Pickerington, OH 43147
CA 03-1-28	12/12/02	Rachel Weintraub Assistant General Counsel	Consumer Federation of America 1424 16 th St, NW Suite 604 Washington, DC 20036
CA 03-1-28a	3/14/03	Rachel Weintraub	Address same as above
CA 03-1-29	12/13/02	E. Mierzwinski Consumer Program Director	US Public Interest Research Group 218 D Street, SE Washington, DC 20003
CA 03-1-30	12/13/02 Ltr dated 12/05/02	Dwyane Smith Coordinator	Anderson County Safe Kids Coalition Anderson Area Medical Center, Emergency Ctr. 800 North Fant St. Anderson, SC 29621

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CA 03-1-31	12/13/02	Peter Zadis	115-64 20 St. Jamaica, NY 11411
Ltr dated	11/29/02		
CA 03-1-32	12/13/02	Michael Baringer	Cleveland County Safe Kids Coalition
Ltr dated	12/02/02	Judy Hawkins	201 East Grover St. Shelby, NC 28150
CA 03-1-33	12/13/02	Helen Magnavita	656 W. Washington, St
Ltr dated	12/07/02	Consumer	Slatington, PA 18010
CA 03-1-34	12/13/02	Burnis E. Tuck	8852 N. Chance Ave.
Ltr dated	12/06/02	Consumer	Fresno, CA 93720
CA 03-1-35	12/13/02	Roger Hoover	Child Fatality Review
Ltr dated	12/10/02	Chair	Board of the County of Summit 264 South Arling St. Akron, OH 44306
CA 03-1-36	12/13/02	William Walton	1970 Stockslager Rd.
Ltr dated	12/10/02		Oakland, MD 21550
CA 03-1-37	12/13/02	Tom Rabe	P.O. Box 619
Ltr dated	12/01/02		Turner, OR 97392
CA 03-1-38	12/13/03	Consumers	
CA 03-1-39	12/16/02	Barbara Lee, PhD	National Farm Medicine
Dated	12/09/02	Director	Center
		Michael Peters	1000 North Oak Ave.
		Rural Youth	Marshfield, WI 54449
		Safety Specialist	
CA 03-1-40	12/17/02	Laura DeGolier	114 S. Main St.
Dated	12/07/02		PMB 301 Fond Du Lac, WI 54935
CA 03-1-41	12/17/02	David Lien	430 E. Cheyenne Mt Blvd
Dated	12/07/02		#21 Colorado Springs, CO 80906
CA 03-1-42	12/17/02	R. Thunderchild	53 Radiker Rd.
			Worthington, MA 01098
CA 03-1-43	12/17/02	Susan Rzucidlo	Dauphin County Safe Kids
Dated	12/10/02	MSN, RN	Coalition Milton S Hershey Center Pediatric Surgery, H113 P.O. Box 850 Hershey, PA 17033

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CA 03-1-44	12/20/02	Bonnie Hiniker	1286 Shadywood Shores Dr N.W., Pine River, MN 56474
	dated 12/08/02		
CA 03-1-45	12/23/02	Gary Olsen	5578 Dumore Dr, SE Aumsville, OR 97325
CA 03-1-46	12/23/02	Jess Stolp	235 S.W. Braly St. McMinnville, OR 97128
CA 03-1-47	12/24/02	R. Morgenthaler	906 Mtn Hm Lane Gamano Island, WA 98282
CA 03-1-48	12/23/02	R. David Pittle Sr Vice President Sally Greenberg Sr Product Safety Counsel	Consumers Union 1666 Connecticut Ave NW, Suite 310 Washington, DC 20009
CA 03-1-49	12/26/02	Christine Hanshaw	Baren River District Health Department 1109 State St. P.O. Box 1157 Bowling Green, KY 42102
	Ltr dated 12/13	RN, BSN, Project Director	
CA 03-1-50	12/26/02	Jim Keating	Kansas Safe Kids Coalition 1000 SW Jackson St Suite 230 Topeka, KS 66612
	Ltr dated 12/18	Chair	
CA 03-1-51	12/27/02	Peter Di Primo	Peter Di Primo Simi Valley, CA 93065
CA 03-1-52	01/08/03	W.S. Woodland	2760 East Sun vista Cir. Clinton, WA 98236
	Ltr dated 12/30/02		
CA 03-1-53	01/08/03	Ian Thomas	104 Valley View Rd. Media, PA 19063
	Ltr dated 12/16		
CA 03-1-54	01/01/03	Michelle Brown Community Relations Specialist	The Greater Dayton Area Safe Kids Coalition c/o The Children's Medical Center One Children's Plaza Dayton, OH 45404
CA 03-1-55	1/06/03	Geri Essen Coalition Coordinator	Summit County National Safe Kids Campaign 6505 North Landmark Dr. #300 Park City, UT 84098

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CA 03-1-56	1/14/03	Kerry Chausmer Exec. Director	Louisiana Safe Kids, Inc 325 Loyola Ave, #305 New Orleans, LA 70112
Ltr dated	1/8		
CA 03-1-57	1/14/03	Linda Hughes Coalition Coordinator	Robeson County Safe Kids Coalition, Lead Agency 460 Country Club road Lumberton, NC 28360
Ltr dated	1/9		
CA 03-1-58	1/30/03	Jonathan Groner MD, Trauma Medical Director	Children's Hospital Room Ed-341 700 Children's Drive Columbus, OH 43205
CA 03-1-59	2/06/03	Roy Sterner Public Health Administrator Team Coordinator	Allegheny County Health Department Maternal & Child Health Program 907 West St, 2 nd Floor Pittsburgh, PA 15221
CA 03-1-60	2/11/03	Jane Garrison Coordinator	Safe Kids of Savannah Coalition P.O. Box 14257 Savannah, GA 31416
CA 03-1-61	2/12/03	Kenneth Gilmore	195 Simcoe Street Suite Three Peterborough, Ontario K9H2H6 CANADA
CA 03-1-62	2/19/03	Karen Feury, RN APN, BC	Northern New Jersey Safe Kids Campaign Moristown Memorial Hospital 100 Madison Ave. Morristown, NJ 07960
CA 03-1-63	2/21/03	Anne Franchak Director	Pennsylvania Safe Kids Coalition 1300 Market St., Suite 12 Lemoyne, PA 17043
CA 03-1-64	2/18/03	R. Peter Altman M.D.	American Pediatric Surgical Association 60 Revere Dr., Suite 500 Northbrook, IL 60062
Rec'd	3/3		
CA 03-1-65	3/03/03	Ray Mays Vice President of Health Safety & Environmental	Veritas DGC Land 10300 Town Park Houston, TX 77072

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CA 03-1-66	3/03/03	Lisa Blystra R.N., Program Manager	Lakeshore Safe Kids Coalition 665 136 th Ave. Holland, MI 49424
CA 03-1-67	3/14/03	The Wilderness Society Organizations	Scott Kovarovics 1615 M Street, NW Washington, DC 20036
CA 03-1-68	3/14/03	Cheryl Hystad Exec. Director	Maryland Consumer Rights Coalition, Inc. 512 Murdock Road Baltimore, MD 21212
CA 03-1-69	3/15/03	Students	Florida International University, College of Business Administration Room 140, University Park Miami, FL 33199
CA 03-1-70	3/15/03	John Hafner, Jr. MD, FACEF	University of Illinois College of Medicine at Peoria, Division of Medicine
CA 03-1-71	3/17/03	Ann Staron Legal Assistant	Willkie Farr & Gallagher 1875 K St, NW Washington, DC 20006
CA03-1-72 Rec'd 3/19	3/7/03	Ray Fritz Clara Fritz	Joint Comments of America Honda Motor Co., Inc. American Suzuki Motor Corp. Arctic Cat Inc., Bombardier Motor Corporation Of America, Kawasaki Motors Corp, USA Polaris Industries Inc. and Yamaha Motor Corp., USA
CA03-1-73 Rec'd 3/19	3/11/03	Brian Baker Co-Coordinator	5643 Cora Way Taylorsville, UT 84118
			Lincoln-Lancaster County Safe Kids Coalition 3140 N Street Lincoln, NE 68510

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CA03-1-74 Rec'd 3/19	3/11/03	Betty Johnsey M.A.Ed., Injury Prevention Educator	Lenoir County Safe Kids P.O. Box 1678 Kinston, NC 28503
CA03-1-75	3/12/03	Jim Long Chair	North Carolina Safe Depart. Of Insurance P.O. Box 26387 Raleigh, NC 27611

Oct. 24th 2002

Leonard Goldstein
U.S. CPSC
Washington D.C.

Dear Mr Goldstein:

I'm writing in regards to the possibility of a ban on A.T.V.s for children under the age of 16.

I hope you don't do this, without a new study, that would be the wrong thing to do. There have been a lot of new safety standards on the bikes, and more safety awareness out there than before.

If you have done a new study how may I get a copy of it? If you did can you now answer my questions that I asked in April of 2001?

- (1) How many of the children had an ATV safety course?
- (2) How many had the proper gear?
- (3) How many were on ATVs that were too small for them?

If you are working on a ban, I hope you look at all the facts.

- (1) How many ATVs are there now compared to the last study? Is the % of Death/injuries more, less or the same with the amount of ATVs today?
- (2) How does the death /injury rate compare to that of other sports? like Bicycles, Motorcycles, Horses, and football. by that I mean % on death/injuries to the number of vehicle or people riding or playing the sport?
- (3) Do ATVs really rate that much worse?

I know that some people don't use their heads when riding, but the A.T.V.s are not what hurts them, Human error does. If you don't have the proper training or gear you can make mistakes that could cause death or injury. A good motto is

Use your **H**ead
Always wear your safety **G**ear
Get your **T**raining
in other words **H.G.T.**

I'm enclosing a copy of my last letter with many suggestions hilighted please look at them and take into consideration what people who ride A.T.V.s think should be done to make things safer. Banning A.T.V.s for children is not going to do this because the big bikes are always going to be out there, If the children were on bikes that fit them, they would be less likely to get hurt or even get on the bigger bikes, therefore less accidents. This is a family sport so please save this to keep familys together.

Sincerely

Bev Stubbs

Bev Stubbs
6505 Fruiland R.D.N.E.
Salem Oregon 97301
1-503-399-8473



NOV 05 2002

*ATV Ban
Comment*

1

Bev Stubbs
6505 fruitland Rd. NE.
Salem, OR 97301
Home 503-399-8473
Work 503-399-0182

April 16, 2001

Leonard Goldstein
U.S. CPSC
Washington, D.C. 20207

Dear Mr. Goldstein:

Thank you for responding to my letter, but unfortunately you didn't tell me anything that I didn't already know.

I have some questions for you in your data that you have sent me:

- ◆ How many of the children had an ATV safety course?
- ◆ How many had the proper gear?
- ◆ How many were on ATVs that were too small for them

When you wrote the consent decree people were riding 3 wheelers and yes they were unsafe and the awareness was not out there.

My family has been riding for 11 years. When my husband and I got my son his first bike he was only 9 years old. We bought him a Yamaha champ at that time it was 100cc. We felt he was right size for that bike, and he had no troubles handling the Champ. He now is 19 years old and rides a Banshee he is a very good rider. My son just took the course when he was 18 and bought a new bike, not when he should have taken the course with our family at the age of 9 on his bike he rode for four years.

All small bikes have a governor that you can turn in so they can only go so fast. I feel the standards should be changed to fit the children to the bike size and cc size. If you have ever been on a quad you would know that your size has a lot to do with turning and going up hills, you have to shift your weight to do so. When you put a 12 to 15 year old on a bike that is made for a child that is the size of an average six to seven year old your asking for trouble. When they shift their weight to turn the bike it will tip over on them, their knees also hit the handlebars and that stops them from being able to turn the bike. They can't shift properly because their feet are pointing out instead of facing forward because they're too big for the bike. I have enclosed some pictures for you to have a visual aid to see what I am talking about.

My suggestion is that bikes with 50 cc should be for children under six years of age, 70 to 90 cc should be for age six to 11, and 100cc to 250 should be for children 12 to 15. The 250 cc should only be a four stroke not a two stroke. That way the bike would fit the child by size and weight. Then the children could take the safety course, and learn how to ride them safely and use the proper gear. That would cut down on injuries and deaths.

I have talked to many manufactures and shop owners and the riding enthusiast that have or had small children. They all agree that the standards are not right and believe that it would be a good idea to change the standards so children can get the training they need, because they ride those bikes anyhow. I cant get any shop owners to write me letters pertaining to this issue because it could jeopardize their business, but they would write them if they could without losing their business.

In looking at the Consent Decree, I see you haven't done a study senses 1991. I really think you should look at the Consent Decree and do a new study. In the study talk to some of the big four manufacturers, and ask:

1. Whom they make the small bikes for?
2. How they feel about the age rating?
3. If they think a change would help with children getting the safety course?
4. In doing so, would that bring down the injury and death rate?

If we educate at a young age they will remember the rest of there life also if they took a safety course every time they moved up to a bigger bike, they would know how to handle the new bike better, and could cut down on injuries. They would also pass it on to others. I know my children do.

I invite you or any of your staff to come out to Oregon. Our club would gladly take you or any of your staff out to the dunes to show you what we're talking about.

If you have any questions please give me a call.

Thank you,

Bev Stubbs
Vice-President
Salem Sand Club



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

OFFICE OF THE GENERAL COUNSEL

Patricia M. Pollitzer
Attorney
Tel: 301-504-0980 ext. 2219
E-Mail: ppollitzer@cpsc.gov

November 13, 2002

Bev Stubbs
6505 Fruiland R.D.N.E.
Salem, Oregon

Dear Ms. Stubbs:

I am writing to respond to your letter of October 24, 2002, addressed to Leonard Goldstein. As you may know, the Commission recently docketed a petition to ban the sale of adult-size ATVs sold for use by children under 16 years of age. I am the attorney assigned to work on the petition. The Commission published a notice in the Federal Register on October 18 asking for comments on the ATV petition (copy enclosed). We will consider your letter as a comment on the petition, and I will make sure that it becomes part of the public record on the petition. The CPSC staff will review all comments received and all relevant available information to prepare a briefing package for the Commissioners. The briefing package will be part of the basis for the Commission's consideration of whether to grant the petition and begin a rulemaking that could ban the sale of adult-size ATVs sold for the use of children under age 16 or to deny the petition. You raise many of the kinds of issues the Commission will likely consider as it comes to a decision on the petition.

Thank you for sharing your views with us.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia M. Pollitzer", with a long horizontal flourish extending to the right.

Patricia M. Pollitzer

Enclosure

assessment rate for merchandise subject to this review. The Department will issue appropriate assessment instructions directly to Customs within 15 days of publication of these final results of review. We will direct Customs to assess the resulting assessment rates against the entered Customs values for the subject merchandise on each of the importer's entries during the review period.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of the final results of this administrative review for all shipments of stainless steel plate in coils from Belgium entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be the rate listed above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 9.86 percent, which is the "all others" rate established in the LTFV investigation (see *Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Plate in Coil From Belgium*, 64 FR 15476 (March 31, 1999)). These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

Notification of Interested Parties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance

with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 771(i) of the Act.

Dated: October 7, 2002.

Faryar Shirzad,
Assistant Secretary for Import
Administration.

Appendix

List of Issues

Comment 1: U.S. Billing Adjustment 2
Comment 2: CEP Profit Calculation
Comment 3: Indirect Selling Expenses
Comment 4: Date of Sale
Comment 5: Warranty Expenses

[FR Doc. 02 26608 Filed 10 17 02; 8:45 am]
BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 101002B]

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Whiting Oversight Committee and Advisory Panel in November, 2002. Recommendations from the committee will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meeting will held on Monday, November 4, 2002 at 9:30 a.m.

ADDRESSES: The meeting will be held at the Sheraton Ferncroft, 50 Ferncroft Road, Danvers, MA 01923; telephone: (978) 465 0492.

Council address: New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council (978) 465 0492.

SUPPLEMENTARY INFORMATION: The committee and panel will review information and analyses included in Framework 37 to the Northeast Multispecies Fishery Management Plan (FMP). They will provide recommendations for Council consideration for final selection of management measures to be included in Framework 37; measures in Framework 37 may eliminate the Year 4 default measure in both whiting stock areas; increase opportunities for whiting fishing in the Cultivator Shoal Whiting Fishery and other fisheries in the northern stock area, and adjust other whiting management measures. They will also consider a new control date for small mesh multispecies (whiting, red hake, offshore hake) and development of related recommendations for Council consideration.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see ADDRESSES) at least 5 days prior to the meeting dates.

Dated: October 11, 2002.

Richard W. Surdi,
Acting Director, Office of Sustainable
Fisheries, National Marine Fisheries Service.
[FR Doc. 02 26598 Filed 10 17 02; 8:45 am]
BILLING CODE 3510-22-S

CONSUMER PRODUCT SAFETY COMMISSION

Petition Requesting Ban of All-Terrain Vehicles Sold for Use by Children Under 16 Years Old

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: The Commission has received a petition (CP 02 4/ HP 02 1) requesting that the Commission ban the sale of adult-size four wheel all-terrain vehicles (ATVs) sold for the use of children under 16 years of age. The

Commission solicits written comments concerning the petition.

DATES: The Office of the Secretary must receive comments on the petition by December 17, 2002.

ADDRESSES: Comments, preferably in five copies, on the petition should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 504 0800, or delivered to the Office of the Secretary, Room 501, 4330 East-West Highway, Bethesda, Maryland 20814. Comments may also be filed by telefacsimile to (301) 504 0127 or by email to cpsc-os@cpsc.gov. Comments should be captioned Petition CP 02 4/ HP 02 1, Petition on ATVs. A copy of the petition is available for inspection at the Commission's Public Reading Room, Room 419, 4330 East-West Highway, Bethesda, Maryland.

FOR FURTHER INFORMATION CONTACT: Rockelle Hammond, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504 0800, ext. 1232.

SUPPLEMENTARY INFORMATION: The Commission has received correspondence from Consumer Federation of America (CFA) and other groups¹ requesting that the Commission take several actions concerning all-terrain vehicles (ATVs). The Commission is docketing their request for a ban of the sale of adult-size four wheel ATVs sold for the use of children under 16 as a petition under the Consumer Product Safety Act, 15 U.S.C. 2057, and the Federal Hazardous Substances Act, 15 U.S.C. 1261(q)(1)(A). The petitioners assert that ATVs pose an unreasonable risk of injury and death to children. They cite Commission data that between 1982 and 2001 there were reports of 4,541 ATV-related deaths, and that 1,714 (or 38%) of those deaths were children under 16 years old. They also note that in the year 2001, there were 111,700 people taken to emergency rooms for ATV-related injuries, of which 34,800 were under 16 years old. They argue that there is no feasible standard that would address the risks ATVs pose to children.

Interested parties may obtain a copy of the petition by writing or calling the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504 0800. Copies of the petition are also

available for inspection from 8:30 a.m. to 5 p.m., Monday through Friday, in the Commission's Public Reading Room, Room 419, 4330 East-West Highway, Bethesda, Maryland.

Dated: October 10, 2002.

Todd Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 02 26458 Filed 10 17 02; 8:45 am]

BILLING CODE 6355-01-P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting

TIME AND DATE: Thursday, October 24, 2002, 10 a.m.

LOCATION: Room 420, East West Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Open to the public.

MATTER TO BE CONSIDERED:

Petition HP 99-1 Polyvinyl Chloride (PV)

The staff will brief the Commission on Petition HP 99 1 requesting a ban of polyvinyl chloride (PVC) in all toys and other products intended for children five years of age and under.

For a recorded message containing the latest agenda information, call (301) 504 0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Todd A. Stevenson, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20207 (301) 504 0800.

Dated: October 15, 2002.

Todd A. Stevenson,

Secretary.

[FR Doc. 02 26730 Filed 10 16 02; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Intent To Prepare an Environmental Impact Statement for Proposed Aircraft Conversion at Martinsburg, WV

Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 United States Code 4321, *et seq.*), the Council on Environmental Quality (CEQ) Regulations for implementing the procedural provisions of NEPA (40 Code of Federal Regulations (CFR) parts 1500 1508), and Air Force policy and procedures (32 CFR part 989), This announcement provides notice that the

Air Force proposes a conversion of C 130 aircraft to C 5 aircraft along with associated actions to meet strategic airlift requirements of the U.S. Air Force and Air National Guard. This action requires a unique mix of facilities and support capabilities associated with the C 5, the largest cargo aircraft in the Department of Defense inventory. The eventual receiving location would maintain and operate an inventory of 10 C 5 aircraft.

The Air National Guard is preparing an EIS to assess potential environmental impacts associated with the proposed conversion from C 130 to C 5 aircraft at the 167th Airlift Wing (167 AW), Martinsburg, WV. The 167th AW action would consist of three primary components: (1) Conversion from C 130 to C 5 aircraft; (2) acquisition of land through lease; from the Eastern West Virginia Airport and (3) construction of both ANG and the Eastern West Virginia Regional Airport facilities on existing and acquired parcels. The EIS will address alternatives to the proposed action, including alternative facilities development scenarios, reduced airfield expansion, and the No Action Alternative.

The ANG will initiate a public scoping process to facilitate identification of the relevant scope of environmental issues to be addressed in the EIS. The public will be invited to participate in scoping meetings and review the Draft EIS. Notification of the meeting locations and time will be made in the local area and will be announced via local news media. Information gathered during the public scoping will be used in the development of the Draft EIS.

For Further Information Contact: ANG/CEVP, Martinsburg EIS, Attention: Lt Col TJ Mitnik, 3500 Fetchet Avenue, Andrews Air Force Base, MD 20762.

Pamela D. Fitzgerald,

Air Force Federal Register Liaison Officer.

[FR Doc. 02 26604 Filed 10 17 02; 8:45 am]

BILLING CODE 5001-05-P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Biomass Research and Development Technical Advisory Committee

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open meeting of the Biomass Research and Development Technical Advisory Committee under the Biomass Research

¹ The other groups are the American Academy of Pediatrics, the American College of Emergency Physicians, Bluewater Network, the Center for Injury Research and Policy, the Danny Foundation for Crib and Child Product Safety, Kids in Danger, National Association of Orthopaedic Nurses, and U.S. PIRG.

Oct. 24th 2002

Leonard Goldstein
U.S. CPSC
Washington D.C.

Dear Mr Goldstein:

I'm writing in regards to the possibility of a ban on A.T.V.s for children under the age of 16.

I hope you don't do this, without a new study, that would be the wrong thing to do. There have been a lot of new safety standards on the bikes, and more safety awareness out there than before.

If you have done a new study how may I get a copy of it? If you did can you now answer my questions that I asked in April of 2001?

- (1) How many of the children had an ATV safety course?
- (2) How many had the proper gear?
- (3) How many were on ATVs that were too small for them?

If you are working on a ban, I hope you look at all the facts.

- (1) How many ATVs are there now compared to the last study? Is the % of Death/injuries more, less or the same with the amount of ATVs today?
- (2) How does the death /injury rate compare to that of other sports? like Bicycles, Motorcycles, Horses, and football. by that I mean % on death/injuries to the number of vehicle or people riding or playing the sport?
- (3) Do ATVs really rate that much worse?

I know that some people don't use their heads when riding, but the A.T.V.s are not what hurts them, Human error does. If you don't have the proper training or gear you can make mistakes that could cause death or injury. A good motto is

Use your **H**ead
Always wear your safety **G**ear
Get your **T**raining
in other words **H.G.T.**

I'm enclosing a copy of my last letter with many suggestions highlighted please look at them and take into consideration what people who ride A.T.V.s think should be done to make things safer. Banning A.T.V.s for children is not going to do this because the big bikes are always going to be out there, If the children were on bikes that fit them, they would be less likely to get hurt or even get on the bigger bikes, therefore less accidents. This is a family sport so please save this to keep familys together.

Sincerely
Bev Stubbs
Bev Stubbs
6505 Fruiland R.D.N.E.
Salem Oregon 97301
1-503-399-8473



NOV 05 2002

Bev Stubbs
6505 fruitland Rd. NE.
Salem, OR 97301
Home 503-399-8473
Work 503-399-0182

April 16, 2001

Leonard Goldstein
U.S. CPSC
Washington, D.C. 20207

Dear Mr. Goldstein:

Thank you for responding to my letter, but unfortunately you didn't tell me anything that I didn't already know.

I have some questions for you in your data that you have sent me:

- ◆ How many of the children had an ATV safety course?
- ◆ How many had the proper gear?
- ◆ How many were on ATVs that were too small for them?

When you wrote the consent decree people were riding 3 wheelers and yes they were unsafe and the awareness was not out there.

My family has been riding for 11 years. When my husband and I got my son his first bike he was only 9 years old. We bought him a Yamaha champ at that time it was 100cc. We felt he was right size for that bike, and he had no troubles handling the Champ. He now is 19 years old and rides a Banshee he is a very good rider. My son just took the course when he was 18 and bought a new bike, not when he should have taken the course with our family at the age of 9 on his bike he rode for four years.

All small bikes have a governor that you can turn in so they can only go so fast. I feel the standards should be changed to fit the children to the bike size and cc size. If you have ever been on a quad you would know that your size has a lot to do with turning and going up hills, you have to shift your weight to do so. When you put a 12 to 15 year old on a bike that is made for a child that is the size of an average six to seven year old your asking for trouble. When they shift their weight to turn the bike it will tip over on them, their knees also hit the handlebars and that stops them from being able to turn the bike. They can't shift properly because their feet are pointing out instead of facing forward because they're too big for the bike. I have enclosed some pictures for you to have a visual aid to see what I am talking about.

My suggestion is that bikes with 50 cc should be for children under six years of age, 70 to 90 cc should be for age six to 11, and 100cc to 250 should be for children 12 to 15. The 250 cc should only be a four stroke not a two stroke. That way the bike would fit the child by size and weight. Then the children could take the safety course, and learn how to ride them safely and use the proper gear. That would cut down on injuries and deaths.

I have talked to many manufactures and shop owners and the riding enthusiast that have or had small children. They all agree that the standards are not right and believe that it would be a good idea to change the standards so children can get the training they need, because they ride those bikes anyhow. I cant get any shop owners to write me letters pertaining to this issue because it could jeopardize their business, but they would write them if they could without losing their business.

In looking at the Consent Decree, I see you haven't done a study senses 1991. I really think you should look at the Consent Decree and do a new study. In the study talk to some of the big four manufacturers, and ask:

1. Whom they make the small bikes for?
2. How they feel about the age rating?
3. If they think a change would help with children getting the safety course?
4. In doing so, would that bring down the injury and death rate?

If we educate at a young age they will remember the rest of there life also if they took a safety course every time they moved up to a bigger bike, they would know how to handle the new bike better, and could cut down on injuries. They would also pass it on to others. I know my children do.

I invite you or any of your staff to come out to Oregon. Our club would gladly take you or any of your staff out to the dunes to show you what we're talking about.

If you have any questions please give me a call.

Thank you,

Bev Stubbs
Vice-President
Salem Sand Club



American Academy of
Orthopaedic Surgeons®

AAOS

American Association of
Orthopaedic Surgeons

*ATV Pet
Comment*

6300 North River Road Rosemont, IL 60018-4262
Phone 847/823-7186, 800/346-2267 Fax 847/823-8125 Fax-on-Demand 800/999-2939 Internet www.aaos.org

November 6, 2002

Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814

Re: In the Matter of the Petition of the Consumer Federation of America to Ban All
Terrain Vehicles for Use by Children Under 16 years Olds and To Provide
Refunds for Consumers

Dear Commissioners:

At its meeting on September 14, 2002, the Board of Directors of the American Academy
of Orthopaedic Surgeons (Academy) voted to send of letter to support the above
referenced petition. We understand that the petition has been docketed and will be
considered by the Commission shortly.

The Academy has developed a Position Statement that is referenced in the petition. A
copy of the Position Statement in its entirety is attached for your convenience.

Please let us know if there is other information we might provide to further assist you.
Please feel free to contact me or David Lovett, Director of the AAOS Washington Office
at Lovett@aaos.org

Sincerely,

Vernon T. Tolo, MD
President

Attach.

Cc: Rachel M. Weintraub, Esq.
Consumer Federation of America

William W. Tipton, Jr., MD
Lawrence E. Rosenthal, PhD
Richard N. Peterson, Esq.
David Lovett, Esq.





American Academy of
Orthopaedic Surgeons

AAOS

American Association of
Orthopaedic Surgeons

Position Statement

All-Terrain Vehicles

All-terrain vehicles (ATVs) are three- or four-wheeled motorized vehicles designed primarily for off-the-road use. They have handlebars like a motorcycle, and the rider straddles the body of the vehicle. With large, soft tires, ATVs have a relatively high center of gravity. Some can reach speeds of 50 mph.

Very few states require a license to operate an ATV, most of which are used for recreation. There are no mandatory national safety standards for their construction and only a few states have issued regulations for their use. ATVs are often operated by children, some as young as age five.

ATVs have been involved in an alarming number of injuries and deaths, particularly among young people. Numerous groups have questioned the inherent danger of the design of these vehicles, and in April 1988, the U.S. Consumer Product Safety Commission issued a consent decree with ATV manufacturers. Some of its provisions are: three-wheeled ATVs may no longer be manufactured and new three-wheeled ATVs may not be sold in the United States, and retailers may not sell either three- or four-wheeled ATVs with an engine size greater than 90 cubic centimeters for use by children under age 16. The decree expired in April 1998 and was replaced by an ATV Action Plan agreement between the Consumer Product Safety Commission and manufacturers that included not marketing or selling adult-size ATVs for use by children younger than 16, not marketing or selling three-wheel ATVs and providing information and safety education.

The American Academy of Orthopaedic Surgeons supports the Consumer Product Safety Commission consent agreement placing restrictions on the sale of four-wheeled ATVs to children. In addition, laws mandating licensing for operators should be passed and enforced

The three-wheeled ATV is inherently unstable. When the operator executes a sharp turn at even moderate rates of speed, the high center of gravity of the vehicle, the short wheel base, and the short turning radius combine in many cases to cause the vehicle to turn over. The rider may be thrown from the vehicle or crushed beneath it as it rolls.

Many other risk factors, such as the use of alcohol and the lack of safety equipment, can contribute to accidents on ATVs. However, the basic design of the three-wheeled models make them hazardous to anyone who rides them.

In light of statistics that show an inordinate number of injuries and deaths resulting from the use of ATVs, the American Academy of Orthopaedic Surgeons considers ATVs to be a significant public health risk.

Although perceived as recreational toys, ATVs can be extremely unsafe. During the past 13 years, more than 3,200 deaths related to ATV use have been recorded.

The most common mechanisms of injury include striking the ground, hitting fixed objects such as trees, and rolling backwards. The majority of injuries are cranial or spinal. Although the relative incidence of these injuries is declining, the consequences remain severe.

Four-wheel ATVs have some of the same design features as the three-wheel models, including a high center of gravity, short wheel-base, short turning radius and high-powered engine. They are difficult machines to operate, even if somewhat less likely to roll over than the three-wheeled versions. Moreover, as off-the-road vehicles, they are generally used on rough or uneven ground. Uneven surfaces can cause them to turn over, largely due to the high center of gravity. When used on hills, they are capable of flipping over from front to back, as the rear wheels can lift the front wheels off the ground when excessive power is applied. Studies have shown that almost 60 percent of accidents involving four-wheel ATVs result from tipping and overturning. Drivers can be thrown from these ATVs or can be crushed beneath them, just as with three-wheel models. In fact, since the Consumer Product Safety Commission restrictions on three-wheeled ATVs have taken effect, nearly 80 percent of ATV-related deaths have involved four-wheeled ATVs.

Operators should be licensed on the basis of demonstrated competence in handling the vehicle and knowledge of the safety hazards that are presented by driving an ATV. With few laws governing the use of these vehicles, at present, almost anyone of any age or level of skill or training can legally operate an ATV. Although ATVs with a 90 cc or greater engine size may not be sold to or for the use of children under the age of 16, once an ATV has been purchased and taken home it is difficult to prevent small children from driving the ATV. No person should operate such a machine without some demonstration of training, knowledge and maturity.

The minimum age of 16 for operating an ATV on or off the road should be enforced. Children under the age of 12 generally possess neither the body size and strength, nor the motor skills and coordination necessary for the safe handling of an ATV. Children under age 16 generally have not yet developed the perceptual abilities or the judgment required for the safe use of highly powered vehicles. Operators should be required to wear safety equipment. While sturdy clothing and leather gloves can help, in a modest way, to prevent or mitigate cuts and abrasions associated with falls from the vehicle, the key piece of safety equipment is a safety helmet that meets standards set for helmets used by motorcycle riders. As with motorcycle riders, the helmet provides the best protection available against death or serious, disabling injury. In 80 percent of the deaths from accidents involving ATVs, the driver was not wearing a helmet.

ATVs should be used only during daylight hours. Most ATVs are marketed and used as off-the-road, recreational vehicles. In the varied terrain in which they are most commonly used, good visibility is required. Riding after dark is especially dangerous because lights attached to a vehicle cannot provide enough properly directed illumination when the vehicle is bouncing or turning.

Only one person at a time should ride an ATV. Adding a passenger to the ATV increases the propensity of the vehicle to tip or turn over, because the passenger, to a significant extent, increases the high center of gravity. In almost a third of ATV accidents (31 percent), more than one person was riding the vehicle.

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Document Number: 1101

For additional information, contact the Public and Media Relations Department, Joanne L. Swanson at (847) 384-4035 or email: swanson@aaos.org.

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Last modified 21/February/2001 by IS

American Academy of Pediatrics

DEDICATED TO THE HEALTH OF ALL CHILDREN™



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From: Jeffrey W. Britton, MD, FAAP
Co-chair, Committee on Injury and Poison Prevention
Wisconsin Chapter, American Academy of Pediatrics

To: Office of the Secretary
Consumer Product Safety Commission
Room 501
4330 East-West Highway
Bethesda, MD 20814

Re: Petition CP-02-4/HP-02-1, Petition on ATVs

Date: 07 November 2002

I am writing on behalf of the more than 800 Pediatricians who comprise the Wisconsin Chapter of the American Academy of Pediatrics, in support of petition CP-02-4/HP-02-1, which requests that the CPSC ban the sale of adult-size four wheel all-terrain vehicles (ATV's) sold for use of children under 16 years of age.

Injuries and deaths associated with the use of ATV's have shown an increasing trend in the last several years, both nationally and in Wisconsin. According to the CPSC Annual Report of ATV Deaths and Injuries (CPSC, May 15, 2002) Wisconsin ranks 14th in the total number of ATV-related deaths since 1982, and the problem continues with the death of a 12-year-old boy in an ATV accident last month in Northern Wisconsin. The CPSC estimates that 15% of ATV riders nationally are under 16, yet this group accounted for 37% of the ATV-related injuries between 1985-2001.

As pediatricians, we are very concerned that ATV's are inappropriate for use by children under age 16, who as a group do not possess the necessary levels of judgement, strength, coordination, and maturity to safely maneuver and control these big, powerful machines. The safe use of an ATV requires at least as much skill, judgement, and developmental maturity as needed to operate an automobile. For this reason we support the petition, which would ban the sale of adult-size four wheel all-terrain vehicles sold for use of children under 16 years of age.


Jeffrey W. Britton, MD, FAAP
2414 Kohler Memorial Drive
Sheboygan, WI 53081
Jeffrey.W.Britton@aurora.org

ATV comment

November 8, 2002

Mr. Todd Stevenson
Secretary
Consumer Product Safety Commission
Washington, DC 20207

RE: Petition CP-02-4/HP-02-1, Petition on ATVs

The Emergency Nurses Association (ENA), on behalf of our nearly 23,000 nurse members, strongly supports *Petition CP-02-4/HP-02-1, Petition on ATVs* as a way of reducing some of the preventable injuries and deaths to children under 16 years of age who are using adult-size all-terrain vehicles (ATVs).

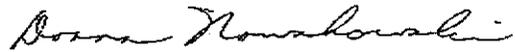
As emergency nurses, our members treat an unacceptable number of injuries and deaths caused by the misuse of ATVs. In 2001, approximately 112,000 people were seen in emergency departments for ATV injuries. Out of those, almost 35,000 were children under 16 years of age. The Consumer Product Safety Commission (CPSC) estimates that only about 14% of adult-size ATV riders are under 16 years old, yet this age group accounts for 37% of injuries and 38% of deaths associated with the use of adult-size ATVs. This data represents a disproportionate number of ATV injuries and deaths with regard to children under the age of 16 compared to the total number of riders.

Injuries and deaths from ATVs can be significantly reduced by banning the use of ATVs by children less than 16 years of age. Why should children in this age group be allowed to drive any other type of motorized vehicle, especially one as inherently dangerous as an adult-size ATV? We do not legally allow children under 16 to drive motor vehicles on our public roads because they lack the necessary levels of maturity, experience, judgment, coordination, and strength to drive safely. In addition, teens are often risk-takers – this increases the danger level considerably. Before a 16-year-old gets a driver's license, he or she must undergo training, testing, and many hours of practice. In fact, in many states graduated licensing is in effect, which significantly limits even 16-year-olds from driving by themselves, except for certain defined times.

Even though ATVs now have four wheels, they are still extremely unstable. Statistics show they are prone to tipping over – especially on rough terrain – where they are typically driven. Also, many of the older, more unstable three-wheeled ATVs are still in use, which adds to the injury and death rates. By developing uniform federal standards that would ban the use of adult-size ATVs by children, CPSC can provide a way to regulate the sales of these vehicles. This action would decrease injuries and deaths and, as a side benefit, decrease health care costs as well.

The Emergency Nurses Association strongly urges the CPSC to take the positive actions delineated in the *Petition* and help prevent many unnecessary injuries and deaths associated with the misuse of adult-size ATVs. The lives of thousands of children are hanging in the balance.

Sincerely,

A handwritten signature in cursive script that reads "Donna Nowakowski".

Donna Nowakowski
Executive Director

Stevenson, Todd A.

ATV
Comment
5

From: juliekaybond@yahoo.com
Sent: Tuesday, December 03, 2002 8:13 PM
To: cpsc-os@cpsc.gov
Subject: Petition CP-02-4/HP-02-1, Petition on ATVs

Office of the Secretary Consumer Product Safety Commission
Consumer Product Safety Commission
Washington, DC 20207

Dear Office of the Secretary Consumer Product Safety Commission,

I urge the Commission to issue a regulation that prohibits the sale of adult-size four-wheel all-terrain vehicles (ATVs) for use by children under 16 years old as requested in the above referenced petition. The growing number of ATV-related injuries and fatalities demonstrates that the Commission must take proactive steps to address a serious product safety problem.

The Commission is well aware of the rising tide of injuries and deaths caused by ATV-related accidents. The consistent, and troubling, upward trend throughout the 1990s demonstrates that the Commission can no longer defer to the ATV industry when it comes to safety. The current voluntary approach, embodied in the *ATV Action Plans* is failing in every respect. The core tenet of this approach is the pledge by manufacturers not to sell adult-size ATVs (defined as machines with engines larger than 90 cc) for use by children under 16. A recent investigation by Good Morning America (GMA) raises serious questions about the effectiveness of this approach.

As reported on November 8, GMA visited or called 10 randomly selected ATV dealers nationwide and asked salespeople to recommend an ATV for a 14-year-old child. Nine of the ten dealerships recommended an adult-size ATV with full knowledge that it was being purchased in violation of the industry's age limits. Many dealers recommended the adult-size machines without caveats while one explained the age restrictions, then proceeded to tell the reporter how to evade them.

The evidence available to the Commission through annual surveys and more comprehensive studies proves that the industry-dominated approach to ATV safety is ineffective. It is time to set a new direction at the national level. This effort must be led by the Commission and begins with the issuance of a regulation that prohibits the sale of adult-size four-wheel ATVs for use by children under 16.

Sincerely,

Julie Bond
375 Liguori Rd
Edgerton, Wisconsin 53534-9331



1301 Pennsylvania Avenue, N.W.
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Washington, D.C. 20004-1707
(202) 662-0600
(202) 393-2072 Fax
www.safekids.org

Chairman

C. Everett Koop, M.D.

President

Martin R. Eichelberger, M.D.

Executive Director

Heather Paul, Ph.D.

November 12, 2002

Todd Stevenson
Secretary
U.S. Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20207

**RE: Petition to Ban All-Terrain Vehicles for Use by Children Under Age 16:
CP-02-4/HP-02-1**

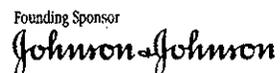
Dear Mr. Stevenson:

On behalf of the National SAFE KIDS Campaign, I am writing to support a petition, submitted to the U.S. Consumer Product Safety Commission (CPSC) by the Consumer Federation of America and other parties, which requests a ban of adult all-terrain vehicles (ATVs) for use by children under the age of 16. As ATVs pose an unreasonable risk of death and injury to children, the National SAFE KIDS Campaign supports most of the provisions of this petition.

SAFE KIDS has long believed that ATVs should not be operated by children ages 15 and under. ATVs are inherently difficult for adults to operate and beyond the developmental capability of children to control. This concept, coupled with the increased number of associated injuries and fatalities, show that there are inherent dangers to children driving adult ATVs. In fact, many of the conclusions found in the CPSC's most recent research (*Consumer Product Safety Commission, Annual Report: 2001 All-terrain Vehicle [ATV]-related Deaths and Injuries*, August 2002) clearly demonstrate that there is presently a substantial risk of death and injury. Death and injury that was to be addressed by consent decrees, action plans and consumer education and labeling. Significantly, between 1982 and 2001, 1,714 children under age 16 – including 799 under the age of 12 – were killed in ATV incidents. Furthermore, between 1993 and 2001, the number of ATV-related injuries by children under age 16 increased 94 percent to 34,800. The CPSC data also revealed that while only 14 percent of all ATV riders were children under the age of 16, these children disproportionately suffered approximately 37 percent of all injuries and 38 percent of total fatalities between 1985 and 2001.

In our view, banning ATVs for children would not require removal of the products from the marketplace, but simply preclude ATV manufacturers and retailers from marketing their products to children. Additionally, ATV salespeople would be required to warn potential purchasers about the dangers of the product and ask parents if the ATV was being bought for a child under age 16. These measures, if properly enforced, would pass on vital safety information to parents as well as help to prevent child ATV-related incidents from occurring in the first place by preventing the sale of the vehicle if it is known or reasonably believed that the product will be used by children under 16.

The petition also asks that the CPSC require manufacturers to refund consumers for adult-size ATVs bought for use by children under age 16. The Campaign does not support this request as it is particularly impractical to remove so many products from the marketplace and there is no degree of certainty as to which vehicles were purchased for children under the age of 16. The Campaign does, however, support increased educational efforts – targeted at current owners of ATVs to remind them of the potential dangers of these devices.



I am available to answer any questions that the U.S. Consumer Product Safety Commission might have relating to our position. As always, the Campaign looks forward to working with the U.S. Consumer Product Safety Commission on this and other issues in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Heather Paul', with a long horizontal flourish extending to the right.

Heather Paul, Ph.D.
Executive Director

ATV
Pet
comment**Stevenson, Todd A.**

From: Information Center
Sent: Tuesday, October 22, 2002 4:53 PM
To: 'mmartin44@myrealbox.com'
Subject: CPSC Flaws on ATV accidents

Hello,

Thank you for your comments. We have forwarded your comments to the appropriate agency personnel for their review.

If additional information is needed, someone will be in contact with you.

Please be advised that you may obtain CPSC publications, recalls and general safety related information via our web site at www.cpsc.gov. Click on the "Search" icon and type in your topic. You may also file an incident report via the web site mentioned above. If you have additional inquiries, you may call our toll-free hotline at 1-800-638-2772, Monday - Friday, 8:30am to 5:00pm, Eastern Standard Time. Press 1 to begin and then press 300 to speak with a representative.

tm

-----Original Message-----

From: Michael Martin [mailto:mmartin44@myrealbox.com]
Sent: Monday, October 21, 2002 12:33 PM
To: info@cpsc.gov
Subject: Fw: CPSC Flaws on ATV accidents

Below is an email I wrote and sent to the American Motorcycle Association.

The CSPC view on ATV injuries/accidents is seriously flawed and incomplete.

Most prominent is the fact that ATV's in use during the period you site nearly tripled. Thus a user of an ATV is less likely to be injured now than in 1993.

See my original email listed below.

----- Original Message -----

From: Michael Martin
To: BKresnak@ama-cycle.org
Sent: Monday, October 21, 2002 11:11 AM
Subject: CPSC Flaws on ATV accidents

Dear Bill,

After reading your Right to Ride article in Novembers issue I was disheartened by yet another waste of tax payer's dollars by our government. Then Sunday's Chicago Tribune (Oct. 20, 2002) arrived and my ire was raised to the point I had to write. I tried the AMA Rapid response center but this issue wasn't listed.

The Tribune must have had open space to fill so they rehashed the article on ATV bans by riders under the age of 16. The article writes: "The CSPC (Consumer Product Safety Commission) is considering a federal rule that would ban the sale of "adult size" ATV's that were intended to be bought for use by children under age 16". Again, no mention of the fact you bring to light about the total number of ATV's in use growing

10/23/02

three fold in the same period.

Two more points to consider:

1) Is the CSPC now going to define the "adult size" aspect of an ATV? That ought to meet big resistance by the manufacturers themselves. Its catamount to saying that a 16 year old licensed driver is banned from driving Mom's monster of an SUV. Try passing a law that affects Ford, Chevy, & Chrysler sales and see how far it gets. What has size got to do with the skill and knowledge level that all ATV riders should have before attempting to ride an ATV?

2) How is the CPSC going to know who the "intended" rider is? I for one ,don't know too many kids under the age of 16 that can drop by the local ATV store and drop cash on the table to buy one. Its the parents that are actually buying. I am a firm believer that parents in today's society are the one's that are irresponsible and should be held accountable for their oversight's and errors in good judgment. There are special provisions and licenses available for youth to fly an airplane and drive a boat, given the right level of instruction. Why not institute a law (on the federal level) that would require parent-child training courses so under age children would be allowed to ride (given a license) an ATV only after completing the required training. Notice I said parent-child. The parent/guardian would be required to attend and pass the same safety and/or instruction course as required by the under 16 rider. Should a rider of an ATV without a proper license be ticketed? You bet! And so should the parent/guardian who put that child's life at risk in the first place!

Feel free to use the above as you see fit. Maybe passing on your knowledge of the issue to the ATV Manufacturers would bring them into the issue. After all, they are the ones with the 2nd most to loose.

Michael Martin
2344 Reflections Dr.
Aurora, Il 60504

mmartin44@myrealbox.com
(630)236-1448

'02 Harley Ultra Classic



CENTER FOR INJURY
RESEARCH AND POLICY

Children's Hospital
700 Children's Drive
Columbus, Ohio 43205-2696
Phone: 614-722-2400
Fax: 614-722-2448
www.injurycenter.org

REC'D DEC - 6 AM '02

ATV
coming
8

November 22, 2002

Secretary Todd Stevenson
U.S. Consumer Product Safety Commission
Washington, DC 20207

RE: Petition CP-02-4/HP-02-1, Petition on ATVs

Dear Secretary Stevenson:

The Center for Injury Research and Policy at Children's Hospital in Columbus, Ohio has joined with other organizations to petition the U.S. Consumer Product Safety Commission (CPSC) to ban the sale of adult-size four-wheel all-terrain vehicles (ATVs) for use by children under 16 years of age, because ATVs pose an unreasonable risk of injury and death to children. Nearly 35,000 children younger than 16 years received emergency treatment last year for ATV-related injuries, which is almost double the number only eight years ago. This is an epidemic by any definition, and it demands a new strong response from the CPSC. Existing prevention strategies have demonstrated themselves to be clearly inadequate to halt the escalating numbers of injuries and deaths among children related to ATVs.

ATVs have been on the market for more than 30 years. Production of three-wheel ATVs was halted in 1988 as the annual number of injuries soared above 100,000. They were replaced with four-wheel ATVs that were intended to be safer. However, the risk of injury to riders on four-wheel ATVs is currently nearly as great as when three-wheel ATVs were banned in 1988. Indeed, injuries on four-wheel machines continue to escalate, particularly among the pediatric population.

The CPSC estimates that 14% of ATV riders are children younger than 16 years. However, these children disproportionately account for 37% of all injuries and 38% of deaths. Between 1982 and 2001, 1,714 children younger than 16 years, including 779 younger than 12 years, died in ATV-related events. The estimated number of children younger than 16 years with ATV-related injuries increased 94% between 1993 and 2001 to 34,800. The petition before the CPSC focuses on adult-size ATVs, because approximately 95% of children younger than 16 years who are injured on an ATV were riding on an adult-size machine.

Secretary Todd Stevenson
U.S. Consumer Product Safety Commission
November 22, 2002
Page 2

Here at Columbus Children's Hospital, there has been a dramatic increase in the number of ATV-related trauma admissions. There were 10 children admitted to our hospital with an ATV-related injury in 1993 compared with 59 patients in 2001. This represents an almost 6-fold increase in severe ATV-related injuries during the brief span of only 9 years. Approximately one-third of the children admitted in 2001 were younger than 12 years.

Children younger than 16 years do not possess the necessary levels of judgment, strength, coordination, and maturity to safely maneuver and control these powerful machines. There are training, licensing, and minimum age requirements for the operation of automobiles, yet in most states there are no comparable requirements for the operation of an ATV. The safe use of an ATV requires at least as much skill, judgment, and developmental maturity as needed to operate an automobile. In addition, ATVs are often operated on rugged terrain and under more challenging conditions than those typical for an automobile. Children younger than 16 years should not be permitted to operate ATVs.

In summary, ATVs are responsible for an escalating epidemic of severe injury and death that is disproportionately taking its toll on our nation's youth. The Center for Injury Research and Policy strongly urges the CPSC to issue a regulation that prohibits the sale of adult-size four-wheel all-terrain vehicles (ATVs) for use by children under age 16 as requested in the above referenced petition. It is time for stronger federal regulation to help reverse the trend of rising ATV-related injuries and deaths to children.

Sincerely,



Gary A. Smith, MD, DrPH, FAAP, FACPM
Director, Center for Injury Research and Policy
Columbus Children's Research Institute
Children's Hospital, Columbus, Ohio

Associate Professor of Pediatrics
The Ohio State University College of Medicine and Public Health
Columbus, Ohio

Wilkes County



APV
Comment 9

November 25, 2002

Todd Stevenson
U.S. Consumer Product Safety Commission
4330 Eat-West Highway
Bethesda, MD 20207

**RE: Petition to Ban All-Terrain Vehicles for Use by Children Under Age 16:
CP-02-4/HP-02-1**

Dear Mr. Stevenson:

On behalf of Wilkes County SAFE KIDS, I am writing to support a petition, submitted to the U.S. Consumer Product Safety Commission (CPSC) by the Consumer Federation of America (CFA) and other parties, which requests a ban of adult all-terrain vehicles (ATVs) for use by children under the age of 16. As ATVs pose an unreasonable risk of death and injury to children, Wilkes County SAFE KIDS supports most of the provisions of this petition.

As you may know, Wilkes County SAFE KIDS is a chapter of NC SAFE KIDS, a coalition of National SAFE KIDS, whose sole purpose is to prevent unintentional injuries. We provide programs and services concerning car seat safety, bike safety, and programs on drugs, alcohol, tobacco, firearms, and personal body touch.

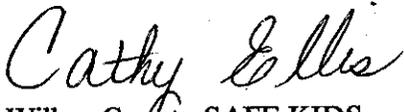
Wilkes County SAFE KIDS believes that ATVs should not be operated by children ages 15 and under. ATVs are inherently difficult for adults to operate and beyond the developmental capability of children to control. This concept, coupled with the increased number of associated injuries and fatalities, show that there are inherent dangers to children driving adult ATVs. In fact, many of the conclusions found in the CPSC's most recent research (*Consumer Product Safety Commission, Annual Report: 2001 All-Terrain Vehicle [ATV]-related Deaths and Injuries, August 2002*) clearly demonstrate that there is presently a substantial risk of death and injury. Death and injury that was to be addressed by consent decrees, action plans and consumer education and labeling.

Significantly, between 1982 and 2001, 1,714 children under age 16-including 799 under the age of 12-were killed in ATV incidents. Furthermore, between 1993 and 2001, the number of ATV-related injuries by children under age 16 increased 94 percent to 34,800. The CPSC data also revealed that while only 14 percent of all ATV riders were children under the age of 16, these children disproportionately suffered approximately 37 percent of all injuries and 38 percent of total fatalities between 1985 and 2001.

In our view, banning ATVs for children would not require removal of the products from the marketplace, but simply preclude ATV manufacturers and retailers from marketing their products to children. Additionally, ATV salespeople would be required to warn potential purchasers about the dangers of the product and ask parents if the ATV was being bought for a child under the age of 16. These measures, if properly enforced, would pass on vital safety information to parents as well as help to prevent child ATV-related incidents from occurring in the first place by preventing the sale of the vehicle if it is known or reasonably believed that the product will be used by children under 16. Additionally Wilkes County SAFE KIDS supports increased educational efforts, labeling, and instructions- targeted at current owners of ATVs to remind them of the potential dangers of these devices.

If you would like any additional information on Wilkes County SAFE KIDS or our affiliation with National SAFE KIDS Campaign, please don't hesitate to contact me at (336) 667-5555 or cblevinsellis@cs.com.

Sincerely,



Wilkes County SAFE KIDS
Cathy Ellis, Coordinator

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MTV
GMA



December 03, 2002

Todd Stevenson
Secretary
U.S. Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20207

**RE: Petition to Ban All-Terrain Vehicles for Use by Children Under Age 16:
CP-02-4/HP-02-1**

Dear Mr. Stevenson:

On behalf of Forsyth County SAFE KIDS, I am writing to support a petition, submitted to the U.S. Consumer Product Safety Commission (CPSC) by the Consumer Federation of America (CFA) and other parties, which requests a ban of adult all-terrain vehicles (ATVs) for use by children under the age of 16. As ATVs pose an unreasonable risk of death and injury to children, Forsyth County SAFE KIDS supports most of the provisions of this petition.

Forsyth County SAFE KIDS believes that ATVs should not be operated by children ages 15 and under. ATVs are inherently difficult for adults to operate and beyond the developmental capability of children to control. This concept, coupled with the increased number of associated injuries and fatalities, show that there are inherent dangers to children driving adult ATVs. In fact, many of the conclusions found in the CPSC's most recent research (*Consumer Product Safety Commission, Annual Report: 2001 All-terrain Vehicle [ATV]-related Deaths and Injuries, August 2002*) clearly demonstrate that there is presently a substantial risk of death and injury. Death and injury that was to be addressed by consent decrees, action plans and consumer education and labeling. Significantly, between 1982 and 2001, 1,714 children under age 16 – including 799 under the age of 12 – were killed in ATV incidents. Furthermore, between 1993 and 2001, the number of ATV-related injuries by children under age 16 increased 94 percent to 34,800. The CPSC data also revealed that while only 14 percent of all ATV riders were children under the age of 16, these children disproportionately suffered approximately 37 percent of all injuries and 38 percent of total fatalities between 1985 and 2001. Death and serious injuries have also been noted in Forsyth County and we have seen many admissions to our Level 1 trauma center.

In our view, banning ATVs for children would not require removal of the products from the marketplace, but simply preclude ATV manufacturers and retailers from marketing their products to children. Additionally, ATV salespeople would be required to warn potential purchasers about the dangers of the product and ask parents if the ATV was being bought for a child under age 16. These measures, if properly enforced, would pass on vital safety information to parents as well as help to prevent child ATV-related incidents from occurring in the first place by preventing the sale of the vehicle if it is known or reasonably believed that the product will be used by children under 16. Additionally, Forsyth County SAFE KIDS supports increased educational efforts, labeling, and instructions – targeted at current owners of ATVs to remind them of the potential dangers of these devices.

If you would like any addition information on Forsyth County SAFE KIDS or our affiliation with the National SAFE KID Campaign, please don't hesitate to contact me at 336-716-0649 or e-mail djoyner@wfubmc.edu.

Sincerely,

Donna Joyner, BSN
Coordinator, Forsyth County SAFE KIDS

Stevenson, Todd A.

From: Doug Farnen [dcycle@cvalley.net]
Sent: Friday, December 06, 2002 11:12 PM
To: cpsc-os@cpsc.gov
Subject: petition cp-02-4/hp-02-1

Regarding the proposed ban on sales of adult atv's to children I would like to make the following comments. I have been a licensed atv instructor with ASI since 1988, owned a Kawasaki franchise since 1978 and have taught children Taekwon-Do martial arts for over 10 years. I am also the father of three children whom I love dearly.

1: Kawasaki and other distributors already instruct us as dealers not to sell adult atv's for use by children. Even though we attempt to follow these rules practical experience has shown that most customers are of the opinion that they are a better judge of their own child's abilities and maturity than some government bureaucrats. Even if they are told by the dealer the atv is inappropriate for their child when they are convinced themselves as to the size atv they wish to purchase they will just go to another dealership and make no mention that a child will be using the machine in order to complete the purchase.

2: As an atv dealer and instructor my customers look to me to be the expert and to give them good advice as to which machine is appropriate for their particular use. On occasions a child who is large for his age comes in. When I am forced to follow recommendations based only on age and have to direct them to a machine that is obviously too small for this particular child it destroys my credibility.

3: As a dealer I have a vested interest in keeping the kids safe and healthy while riding atv's so that they may continue to ride them for years into the future. It is purely good business sense for dealers to protect their future customer base.

4: As a parent I feel I have the primary responsibility for the safety of my children. I appreciate being informed of potential risks but feel that governmental mandates are an attempt to remove the responsibility from me.

5: It is extremely unfortunate anytime a child is injured or killed. There is no practical way to eliminate all accidents that could possibly occur in a person's life. Education is often the best form of prevention. It has been my experience with most children learn better from experience than words. A baby often only understands the word "hot" only after being burned. I suggest that it is safer for children to get a few bumps riding off road and learn some respect for how vehicles operate than waiting until they are old enough to drive a vehicle on public roads where they are more likely to be involved in severe accidents.

Thank you for your consideration of these viewpoints. It is my hope that you will disregard any further regulations of age restrictions on atv's.

Sincerely,
Doug Farnen
RR 4 Box 35
Salisbury, MO 65281
660-388-6159
dcycle@cvalley.net <<mailto:dcycle@cvalley.net>>

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Stevenson, Todd A.

From: mayaef@umich.edu
Sent: Saturday, December 07, 2002 5:05 PM
To: cpsc-os@cpsc.gov
Subject: petition CP-02-4/HP-02-1, (ATVs)

Office of the Secretary Consumer Product Safety Commission
Consumer Product Safety Commission
Washington, DC 20207

Dear Office of the Secretary Consumer Product Safety Commission,

Please don't allow under 16 year olds to use ATVs.
They don't use them responsibly and are often injured.

Sincerely,

Maya Fischhoff
1116 Nielsen Ct. #3
Ann Arbor, Michigan 48105-1943

Stevenson, Todd A.

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From: ditusa7@aol.com
Sent: Saturday, December 07, 2002 5:32 PM
To: cpsc-os@cpsc.gov
Subject: Petition CP-02-4/HP-02-1, Petition on ATVs

Office of the Secretary Consumer Product Safety Commission
Consumer Product Safety Commission
Washington, DC 20207

Dear Office of the Secretary Consumer Product Safety Commission,

I urge you to continue the sales and use of ATV's and ignore the wackos from "The Wilderness Society".

Thanks!

Sincerely,

Robert DiTusa
Rt 6 Box 22H
Blanchard, Oklahoma 73010-9806

Stevenson, Todd A.

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From: mitchell@grics.net
Sent: Saturday, December 07, 2002 1:55 PM
To: cpsc-os@cpsc.gov
Subject: Petition CP-02-4/HP-02-1, Petition on ATVs

Office of the Secretary Consumer Product Safety Commission
Consumer Product Safety Commission
Washington, DC 20207

Dear Office of the Secretary Consumer Product Safety Commission,

Accident records show that those under 16 years of age should not be allowed to operate ATVs. It would be shameful not to have regulation prohibiting the sale of adult-size ATVs for under 16 year of age folks.

The CPSC has the power to solve this safety problem by making such a regulation. Please, do so.

Sincerely,

Margaret Mitchell
2009 North Broad Street
Galesburg, Illinois 61401-1450

Stevenson, Todd A.

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From: NancyObiz@aol.com
Sent: Saturday, December 07, 2002 12:32 PM
To: cpsc-os@cpsc.gov
Subject: Petition CP-02-4/HP-02-1, Petition on ATVs

Office of the Secretary Consumer Product Safety Commission
Consumer Product Safety Commission
Washington, DC 20207

Dear Office of the Secretary Consumer Product Safety Commission,

Please prohibit the sale of adult-size four-wheel all-terrain vehicles (ATVs) for use by children under 16. Look at the growing number of ATV-related injuries and fatalities!

You can no longer give in to the ATV industry when it comes to safety. The current voluntary approach, embodied in the *ATV Action Plans* is a total failure.

As reported on November 8, GMA visited or called 10 randomly selected ATV dealers nationwide and asked salespeople to recommend an ATV for a 14-year-old child. Nine of the ten dealerships recommended an adult-size ATV with full knowledge that it was being purchased in violation of the industry's age limits. Many dealers recommended the adult-size machines without caveats while one explained the age restrictions, then proceeded to tell the reporter how to evade them.

It's time for this to stop. Protect children, not profits.

Sincerely,

Nancy Oliver
427 S. Westminster Ave. Apt. 113
Los Angeles, California 90020-4639

Stevenson, Todd A.

16

From: luckydogs2@aol.com
Sent: Saturday, December 07, 2002 12:22 AM
To: cpsc-os@cpsc.gov
Subject: ATVs

Office of the Secretary Consumer Product Safety Commission
Consumer Product Safety Commission
Washington, DC 20207

Dear Office of the Secretary Consumer Product Safety Commission,

Please prohibit the sale of ATVs for use by children
under 16 years old.

When I think back to when I was in my early twenties,
I am ashamed of the disregard I had for my own safety,
the safety of others, and the environment.

When I think back to my teens, I shudder.

Under 16,

You must be kidding.

Sincerely,

David Veenstra
1800 Rossman SE
Grand Rapids, Michigan 49507-2807

Stevenson, Todd A.

From: KarynL1@hotmail.com
Sent: Saturday, December 07, 2002 5:43 PM
To: cpsc-os@cpsc.gov
Subject: Petition CP-02-4/HP-02-1, Petition on ATVs

Office of the Secretary Consumer Product Safety Commission
Consumer Product Safety Commission
Washington, DC 20207

Dear Office of the Secretary Consumer Product Safety Commission,

The ATV standards currently in place are patently absurd. Children come in all different sizes and maturity levels, and are shoehorned by age into slots, and onto ATV's, that are not suitable for them.

Stop trying to protect us from ourselves! Parents can best determine what ATV their children should use. The CPSC DOES have a role--that's making sure that pipes have heat guards, and there are no unsafe sharp edges and design flaws. But size and age limitations are NOT appropriate territory for the CPSC. Yes, some children will be injured, because life includes the potential for accidents.

Actions like the ATV size limitations are slowly but surely eroding the ability of human beings to live full, enjoyable lives! Let it be the decision of the parents to determine the ability of their child to ride a quad. We are responsible people... and teach our children to ride responsibly also.

If the CPSC keeps up this kind of regulation, we'll all live very safe, very long, very BORING lives.

Sincerely,

Karyn LeMay
8395 Cypress Ct
Dublin, California 94568

Stevenson, Todd A.

From: jon@poiks.net
Sent: Saturday, December 07, 2002 3:19 PM
To: cpsc-os@cpsc.gov
Subject: Petition CP-02-4/HP-02-1, Petition on ATVs

Office of the Secretary Consumer Product Safety Commission
Consumer Product Safety Commission
Washington, DC 20207

Dear Office of the Secretary Consumer Product Safety Commission,

The ATV standards currently in place are patently absurd. Children come in all different sizes and maturity levels, and are shoehorned by age into slots, and onto ATV's, that are not suitable for them.

Stop trying to protect us from ourselves! Parents can best determine what ATV their children should use. The CPSC DOES have a role--that's making sure that pipes have heat guards, and there are no unsafe sharp edges and design flaws. But size and age limitations are NOT appropriate territory for the CPSC. Yes, some children will be injured, because life includes the potential for accidents.

Actions like the ATV size limitations are slowly but surely eroding the ability of human beings to live full, enjoyable lives! The town I grew up in no longer allows ice-skating on the local pond, due to liability issues.

If the CPSC keeps up this kind of regulation, we'll all live very safe, very long, very BORING lives.

Sincerely,

Jonathan Perkins
2417 Mathews Ave
#C
Redondo Beach, California 90278-3244

Stevenson, Todd A.

From: shabubu@hotmail.com
Sent: Sunday, December 08, 2002 1:07 AM
To: cpsc-os@cpsc.gov
Subject: Petition CP-02-4/HP-02-1, Petition on ATVs

Office of the Secretary Consumer Product Safety Commission
Consumer Product Safety Commission
Washington, DC 20207

Dear Office of the Secretary Consumer Product Safety Commission,

I am writing to urge the Consumer Product Safety Commission to put in place a regulation that will prevent the sale of adult sized all terrain vehicles to children under the age of 16. The increasing number of injuries and deaths to children under age 16 riding adult size ATVs needs to be brought down. This is a seriously safety problem for which children should not die or be seriously injured.

I do not believe that the ATV industry should be allowed to voluntarily regulate itself any longer, because manufactures are clearly not taking their pledge not to sell ATVs to young kids seriously. The Good Morning America investigation has provided the CPSC with visible proof that manufacturers are not keeping their word, and they are not taking the health of our children seriously. Other studies also show that the industry policing itself is ineffective. What industry can be trusted to police itself effectively, I ask you?

The time is now to take action and set a regulation.

Please do not allow the ATV industry to compromise public health any longer. Please take the proper step so that more young people will not be hurt or killed. Prohibit the sale of ATVs to children under 16.

Thank you.

Sincerely,

Kimberly Armstrong
6321 N Winthrop Ave
Apt 206
Chicago, Illinois 60660-1541

Stevenson, Todd A.

From: surfingirl2002@satx.rr.com
Sent: Sunday, December 08, 2002 11:12 AM
To: cpsc-os@cpsc.gov
Subject: Petition CP-02-4/HP-02-1, Petition on ATVs-please don't listen to it!

Office of the Secretary Consumer Product Safety Commission
Consumer Product Safety Commission
Washington, DC 20207

Dear Office of the Secretary Consumer Product Safety Commission,

I urge the commission NOT to approve the regulation that doesn't allow children under 16 to have ATVs. Thirteen would be a more reasonable age for any law like that. First, the parents should decide whether their teenager can handle an ATV. Accidents do happen, but that's their problem. Many kids really aren't responsible enough for ATVs, and most of the parents can tell. Also, I know twelve year olds that can drive ATVs! Lastly, I don't mean to sound rude, but this is a free country! Or, it WAS. We need to stop regulating and start allowing. I know lots of letters are coming in against what I'm saying, but trust me, what I'm saying is on behalf of all the people who've ever lived in areas with ATVs. The petitions you're getting are sent throughout the internet. Most people who sign the petitions like these are "city folk" haha. Please uphold the Constitution and don't take away the parent's right to allow their teenagers to have ATVs. Don't make just ANOTHER regulation on the people; if an accident happens, they can handle it, just like you and me. The government taking rights away in this country is most definatly more dangerous than a four-wheeler!

Sincerely,

Jessica Price
13902 Tangle Tree
San Antonio, Texas 78247

Stevenson, Todd A.

From: scotty1a@iwon.com
Sent: Monday, December 09, 2002 12:51 AM
To: cpsc-os@cpsc.gov
Subject: Petition CP-02-4/HP-02-1, Petition on ATVs

Office of the Secretary Consumer Product Safety Commission
Consumer Product Safety Commission
Washington, DC 20207

Dear Office of the Secretary Consumer Product Safety Commission,

No more regulation! What are we the Taliban?

Sincerely,

scott atchison
7718 stony river ct
Bakersfield, California 93308

ANDERSON AREA  MEDICAL CENTER

A MEMBER OF THE ANMED HEALTH RESOURCES FAMILY AND THE SUNHEALTH ALLIANCE

December 6, 2002

Todd Stevenson
Secretary
U.S. Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20207

**RE: Petition to Ban All-Terrain Vehicles for Use by Children Under Age 16:
CP-02-4/HP-02-1**

Dear Mr. Stevenson:

On behalf of Anderson Area Medical Center, I am writing to support a petition, submitted to the U.S. Consumer Product Safety Commission (CPSC) by the Consumer Federation of America (CFA) and other parties, which requests a ban of adult all-terrain vehicles (ATVs) for use by children under the age of 16. As ATVs pose an unreasonable risk of death and injury to children, I support most of the provisions of this petition.

In my role as Medical Director of the Emergency Department at Anderson Area Medical Center, Level II Trauma Center, I see the consequences of ATV injuries sustained by local children. Children age 15 and under do not possess the size, strength, and coordination to safely operate an ATV. As bigger, faster and more dangerous ATVs were introduced into the market throughout the 1990s, we have seen a corresponding increase in the number of pediatric injuries and fatalities. I am concerned that the ATV industry's self-regulating approaches have failed to protect children and continue to leave them as vulnerable to injury and death as they were 15 years ago.

I believe that ATVs should not be operated by children ages 15 and under. ATVs are inherently difficult for adults to operate and beyond the developmental capability of children to control. This concept coupled with the increased number of associated injuries and fatalities in our community show that there are inherent dangers to children driving adult ATVs. In fact, many of the conclusions found in the CPSC's most recent research (*Consumer Product Safety Commission, Annual Report:2001 All-terrain Vehicle [ATV]-related Deaths and Injuries*, August 2002) clearly demonstrate that there is presently a substantial risk of death and injury. Death and injury that was to be addressed by consent decrees, action plans and consumer education and labeling. Significantly, between 1982 and 2001, 1,714 children under age 16 – including 799 under the age of 12 – were killed in ATV incidents. Furthermore, between 1993 and 2001, the number of ATV-related injuries by children under age 16 increased 94 percent to 34,800. The

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ANDERSON AREA MEDICAL CENTER

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CPSC data also revealed that while only 14 percent of all ATV riders were children under the age of 16, these children disproportionately suffered approximately 37 percent of all injuries and 38 percent of total fatalities between 1985 and 2001. Locally in Anderson County in the past year, we have had 43 children under age 14 visit the Emergency Department for injuries suffered while riding ATVs. Additionally, there have been two young children fatally injured when they drove their ATV into the path of an oncoming car on rural county roads.

In my view, banning ATVs for children would not require removal of the products from the marketplace, but simply preclude ATV manufacturers and retailers from marketing their products to children. Additionally, ATV salespeople would be required to warn potential purchasers about the dangers of the product and ask parents if the ATV was being bought for a child under age 16. These measures, if properly enforced, would pass on vital safety information to parents as well as help to prevent child ATV-related incidents from occurring in the first place by preventing the sale of the vehicle if it is known or reasonably believed that the product will be used by children under 16. Additionally, I support increased educational efforts, labeling, and instructions – targeted at current owners of ATVs to remind them of the potential dangers of these devices.

If I may be of further service in support of this petition, please don't hesitate to contact me at (864) 261-1118.

Sincerely,



Michael L. Tillirson, D.O.
Emergency Department Medical Director
Anderson Area Medical Center

ATV Comm 23

Alabama Watch • Alaska Public Interest Research Group (AKPIRG) • Arizona Consumers Council • Center for Public Representation • Colorado Public Interest Research Group (CoPIRG) • Columbia Consumer Education Council • Consumer Protection Association • Consumers for Auto Reliability and Safety • Florida Public Interest Research Group (PIRG) • Harlem Consumer Education Council, Inc. • Illinois Public Interest Research Group (PIRG) • Maryland Consumer Rights Coalition • Massachusetts Consumer Coalition • Massachusetts Public Interest Research Group (MASSPIRG) • Michigan Consumer Federation • Niagara Frontier Consumers Association • Rhode Island Public Interest Research Group (RIPIRG) • Virginia Citizens Consumer Counsel • Washington Public Interest Research Group (WashPIRG) • Wisconsin Consumers League

December 10, 2002

Secretary Todd Stevenson
Office of the Secretary
U.S. Consumer Product Safety Commission
Washington, DC 20207

Dear Secretary Stevenson,

We are writing to express our support for petition CP-02-4/ HP-02-1, which requests that the U.S. Consumer Product Safety Commission ban the sale of adult-size four wheel all-terrain vehicles ("ATVs") sold for the use of children under sixteen years of age. Our organizations have a long history working on ATVs dating back to the consent decree in 1987.

Our organizations, which work on product safety issues in numerous states across the country, are very concerned about the number of children killed and injured each year in ATV incidents. The fact that this number continues to rise each year is of even greater concern. While the deaths and injuries caused by ATVs have faded from public view over the past decade, we now know that the problem was not solved in 1988 when the ATV industry was forced to end production of dangerous "three-wheelers." Unfortunately, their four-wheel successors have proven to be just as hazardous. Four-wheel ATVs are responsible for the safety crisis that exists today:

- Between 1993 and 2001, the number of injuries caused by ATVs more than doubled to 111,700.
- The risk of injury to riders of four-wheel ATVs is nearly as great today as it was when "three-wheelers" were banned. This measure is particularly important because it takes rising sales in to account.

The impacts on children under sixteen are especially disturbing:

- Between 1993 and 2001, the number of ATV-related injuries suffered by children under sixteen increased 94 percent to 34,800.
- Although children under sixteen account for approximately 14 percent of all ATV riders, they suffer 37 percent of all injuries and 38 percent of total fatalities.

Children are especially at risk for ATV injury. The American Academy of Pediatrics, which represents 57,000 pediatricians nationwide, has concluded that children under sixteen years old

do not have the physical strength, maturity or judgment to safely operate these machines. In addition, ATVs are bigger and faster than ever before. Most ATVs are specifically manufactured for adults. These "adult-size" ATVs weigh an average of 550 pounds and many can travel as fast as 75 miles per hour. These vehicles are too heavy, too fast and too complicated for children under sixteen to operate.

The following summary of medical research from across the country proves that the current approach to ATV safety is failing America's families and especially America's children.

Arkansas:

Researchers in Arkansas examined all patients (a total of 33) admitted for neurosurgery services following an ATV accident at the three hospitals that comprise the University of Arkansas for Medical Sciences between January 1993 and April 1996. Their analysis determined that:

- 64% of patients were younger than 16 while 18% were between 8 and 10 years old;
- Only 1 of the 33 patients wore a helmet;
- In 54% of all cases, the victim was thrown or flipped from the ATV; and
- The authors conclude: "To use a familiar phrase, ATVs are unsafe at any speed for children and adolescents."¹

Georgia/South Carolina:

Research by doctors at Memorial Health University Medical Center, which serves portions of Georgia and South Carolina, reviewed all ATV-related cases treated at the institution during the ten years covered by the consent decree (1988 – 1998). They found that:

- 50% of the injured persons were younger than 16;
- Only 8% of children wore helmets; and
- The facility experienced a significant increase in injuries over the final four years of the study period (1994-98).²

Ohio:

Doctors at Children's Hospital Medical Center in Cincinnati compared injuries suffered by 109 children in ATV-related accidents with those of 994 children riding bicycles between January 1991 and June 2000. They found that:

- The average age of injured ATV riders was 11 years old;
- ATV-related trauma "was associated with multiple injuries, more operative interventions and longer hospital stays" when compared with bicycle injuries;
- Only 14% of injured ATV riders (or their parents answering on their behalf) reported receiving any formal training prior to riding; and
- Nearly 20% of the children injured in ATV accidents were passengers.³

Oklahoma:

The Oklahoma State Department of Health Injury Prevention Service studied all ATV-related accidents, which caused traumatic brain injury (TBI) resulting in hospitalization or death statewide between 1992 and 1999. The Service identified 185 people who suffered a TBI during this period. It found:

- Hospitalizations increased 81% between 1998 and 1999, the year after the consent decree expired;
- Children 6 to 15 years old suffered 42% of all injuries and 39% of deaths;
- The injury rate for children 6 to 15 years old was nearly 3 times greater than the rate for all victims; and
- 31% of victims rode a 3-wheel ATVs.⁴

Pennsylvania:

Children's Hospital of Pittsburgh serves western Pennsylvania, northern West Virginia and eastern Ohio. Between January 1991 and December 1995, 51 children were admitted to the hospital's trauma unit for ATV-related injuries. Doctors found several common threads, including:

- The average victim was 11.5 years old;
- 63% of injuries resulted when the ATV rolled over or the victim fell off; and
- Nearly 50% of victims suffered multiple injuries.⁵

Utah:

Doctors in Utah studied all ATV-related injuries requiring emergency room treatment or hospitalization statewide between 1992 and 1996. They were particularly interested to understand whether or not a Utah law that allows children as young as eight to ride ATVs undermined the effectiveness of industry's agreement not to recommend the sale of adult-size ATVs for children under 16. They concluded that:

- 32% of victims were younger than 16;
- 25% of injured drivers were children younger than 8 years old;
- 50% of children killed in ATV accidents were younger than 8; and
- "By adhering to existing state regulations and recommendations governing ATVs, 61 children would not have been injured as passengers on ATVs, 15 children would not have been injured while driving ATVs and 4 children would not have died."⁶

West Virginia:

Between January 1991 and December 1995, doctors at the five major trauma centers serving West Virginia treated 218 children 16 years old and younger for injuries sustained in ATV-related accidents. Their research concluded:

- The average victim was 12.4 years old;
- 20% of injured children required treatment in intensive care units for an average of 4.5 days;
- 88.5% of victims were not wearing helmets; and
- Nearly 40% of injured children required surgery.⁷

Additional research in West Virginia analyzed all adolescent ATV-related fatalities statewide between 1990 and 1998. It found:

- One-quarter (25 of 101) of all victims were children 16 years old and younger;
- The average age of these children was less than 11 (10.8) years old;
- Only one victim wore a helmet;
- The fatality rate in West Virginia was 5 times greater than the national average; and
- All fatalities involved four-wheel ATVs.⁸

Wisconsin:

Research in Wisconsin found that ATV-related injuries require hospitalization six times more often and result in death 12 times more frequently when compared with bicycle injuries per 1,000 vehicles.⁹

While this is a serious public health crisis across the country, many states have failed to act aggressively to prevent further ATV deaths and injuries. CPSC has clear authority to regulate these unsafe products and should use this authority to ban the sale of adult-size ATVs by children under sixteen. We urge CPSC to act favorably on the above-mentioned petition.

Sincerely,

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Alabama Watch

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² Ross R, Stuart L, Davis F. All-Terrain Vehicle Injuries in Children: Industry-Regulated Failure. *The American Surgeon* 1999; 65: 870-873.

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American Academy of Pediatrics

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December 11, 2002

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Office of the Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

RE: Petition CP-02-4/HP-02-1, Petition on ATVs

To Whom It May Concern,

As one of the organizations associated with Petition CP-02-4/HP-02-1, urging the Consumer Product Safety Commission (CPSC) to ban the use of adult-size four-wheel All Terrain Vehicles (ATVs) by children under the age of 16, the American Academy of Pediatrics (AAP) welcomes the opportunity to provide additional comments on this important child safety matter.

While it is estimated that only 14% of all ATV riders are under the age of 16, these children suffer a disproportionately high-rate of ATV-related injuries and death. Between 1985 and 2001, children under the age of 16 accounted for 37% of all ATV-related injuries and 38% of all ATV-related fatalities. More than 1,700 children under the age of 16 died as a result of ATV-related injuries from 1982 to 2001. And, nearly 35,000 children younger than 16 were seriously injured as result of ATV use in 2001 alone.

In response to increasing injury and death rates such as these, the CPSC banned the manufacture – but not sale – of three-wheel ATVs in 1988. Subsequently, the CPSC established a voluntary ATV Action Plan wherein select manufacturers agreed not to market or sell three-wheel ATVs to any population and not to market or sell adult-size ATVs, including adult-size four-wheel ATVs, to or for use by children younger than 16.

While well intentioned, data indicate that this voluntary plan has failed to stem the rise of ATV-related injuries and death. In fact, the injury rate associated with four-wheel ATVs is now only slightly below the level seen for three-wheel ATVs when those vehicles were banned in 1988 (261.8 v. 275.8 injuries per 10,000 users). Moreover, while the voluntary ATV Action Plan encourages manufactures not to sell adult-size ATVs to or for the use of children, CPSC's own data reveal that 95% of all injured riders under the age of 16 were injured while using adult-size vehicles.

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The CPSC, as well as many experts in child health, have long concluded that the safe use of adult-size ATVs is inherently beyond the developmental capabilities of children. While Petition CP-02-4/HP-02-1 focuses on adult-size ATVs because of their prominent role in injuries to children, the AAP's position is that children younger than 16 years do not possess the physical size, strength, and coordination to operate any ATV, regardless of its size. Similarly, these children do not possess the mature judgment skills needed to make the many instantaneous decisions and adjustments involved with the safe use of an ATV. For these reasons, the AAP maintains that children who are not licensed to drive a car should not be allowed to operate an ATV.

Given the continued rise of childhood injuries and death associated with the use of adult-size four-wheel ATVs, and the continued failure of the voluntary ATV Action Plan to prevent the sale of such vehicles to or for the use of children under the age of 16, the American Academy of Pediatrics strongly supports the ban proposed by Petition CP-02-4/HP-02-1. The AAP also recommends additional safety requirements for all ATV users, including mandatory certification, i.e., drivers licenses, for ATV use; mandatory helmet use, eye protection and reflective gear; prohibitions on the use of ATVs after sunset; prohibitions on carrying passengers; and mandatory reporting for all ATV-related injuries and deaths.

A recent AAP policy statement on ATV safety and a policy reference guide are enclosed as additional background information. If you have any questions, or would like to discuss this issue in greater detail, please contact me or Molly Hicks, Assistant Director, Washington Office, at 202/347-8600. Thank you for considering our comments.

Sincerely,



E. Stephen Edwards, MD
President

ESE/mh
Attachments (2)

The American Academy of Pediatrics is an organization of 57,000 primary care pediatricians, pediatric medical subspecialists, and pediatric surgical specialists dedicated to the health, safety and well being of infants, children, adolescents and young adults.

AMERICAN ACADEMY OF PEDIATRICS

Committee on Injury and Poison Prevention

All-Terrain Vehicle Injury Prevention: Two-, Three-, and Four-Wheeled Unlicensed Motor Vehicles

ABSTRACT. Since 1987, the American Academy of Pediatrics (AAP) has had a policy about the use of motorized cycles and all-terrain vehicles (ATVs) by children. The purpose of this policy statement is to update and strengthen previous policy. This statement describes the various kinds of motorized cycles and ATVs and outlines the epidemiologic characteristics of deaths and injuries related to their use by children in light of the 1987 consent decrees entered into by the US Consumer Product Safety Commission and the manufacturers of ATVs. Recommendations are made for public, patient, and parent education by pediatricians; equipment modifications; the use of safety equipment; and the development and improvement of safer off-road trails and responsive emergency medical systems. In addition, the AAP strengthens its recommendation for passage of legislation in all states prohibiting the use of 2- and 4-wheeled off-road vehicles by children younger than 16 years, as well as a ban on the sale of new and used 3-wheeled ATVs, with a recall of all used 3-wheeled ATVs.

ABBREVIATIONS. CPSC, US Consumer Product Safety Commission; ATV, all-terrain vehicle; AAP, American Academy of Pediatrics.

TWO-WHEELED VEHICLES

Miniature motorcycles intended for off-road use by children and adolescents have enjoyed wide popularity since the 1960s. However, manufacture of these vehicles is not regulated by federal motor vehicle safety standards. Neither the rider nor the vehicle is required to be licensed. Some of these cycles are small enough to be operated by children as young as 4 years, and many have been sold for use by school-aged children.¹

Minibikes, the smallest and most primitive of the 2-wheelers, are motorized bicycle-style frames that weigh <45 kg and are powered by engines operating at <4 horsepower. The more sophisticated and higher-powered *minicycles* are constructed with suspension systems and transmissions that resemble miniature motorcycles. *Trailbikes* or *trailcycles* are larger than minicycles and have power and design characteristics that make them suitable for rough terrain. They are generally only approved for off-road use. *Mopeds* are bicycles with small, unenclosed assist motors and top speeds of about 30 mph. They are intended for street use but, in many states, nei-

ther the mopeds nor their drivers must be licensed.² Two-wheeled vehicles generally have a short and relatively unstable wheelbase, small tires, slow acceleration, borderline brakes, and poor visibility in traffic (both of the cycle and by the cycle operator).^{2,3} *Motorcycles* are also 2-wheeled cycles, but require licenses in all states; these vehicles are not specifically discussed in this statement.

About 40 000 injuries related to 2-wheeled motorized off-road cycles were treated in emergency departments each year, 1994 through 1996.⁴ Of the injuries, 26% were sustained by children younger than 15 years. From 1990 through the first quarter of 1995, the US Consumer Product Safety Commission (CPSC) collected at least 50 reports of deaths related to minibike and trailcycle use. All but 1 of the victims were male, and 42% were 16 years of age or younger.⁵

Injury typically results from loss of control of the cycle after striking rocks, bumps, or holes, or from illegal on-road use. Mopeds are more often involved in collisions with other vehicles, presumably because they are legally used on-road, and frequently in urban areas.² Shoulder, knee, and leg injuries account for more than one third of emergency department visits for moped-related injuries. Head injuries account for about half of the deaths.⁵ Laryngotracheal trauma may result from driving across open fields into poorly visible wire fences. Thermal burns occur when engines are not enclosed, which is usual for mopeds.⁶ Deaths are more likely to be associated with racing or jumping.⁵

THREE- AND FOUR-WHEELED VEHICLES

All-terrain vehicles (ATVs) are motorized cycles, with 3 or 4 balloon-style tires, designed for off-road use on a variety of terrains. Although ATVs give the appearance of stability, the 3-wheeled design is especially unstable on hard surfaces. The ATV stability is further compromised by a high center of gravity, a poor or absent suspension system, and no rear-wheel differential. The danger is magnified because these vehicles can attain substantial speeds (30–50 mph).⁷

Most injuries associated with ATVs occur when the driver loses control, the vehicle rolls over, the driver or passenger is thrown off, or there is a collision with a fixed object.⁸ Studies in Alaska and Missouri have identified a number of risk factors for injury, including rider inexperience, intoxication with alcohol, excessive speed, and lack of helmet use.^{9,10} The recognition of the significant hazards associated with ATV use led to a federal investigation

The recommendations in this statement do not indicate an exclusive course of treatment or serve as a standard of medical care. Variations, taking into account individual circumstances, may be appropriate.
PEDIATRICS (ISSN 0031 4005). Copyright © 2000 by the American Academy of Pediatrics.

and the acceptance of consent decrees by the ATV manufacturers in early 1988.¹¹ Under the decrees, the industry agreed to cease production and sale of new 3-wheeled ATVs (but not to recall old ones), to implement a rider-safety training program nationally, and to develop a voluntary standard to make ATVs safer. Warnings and age recommendations were included on the vehicle and in advertising. ATVs with engines >70 mL could be used only by children 12 years and older; "adult-sized" engines (those >90 mL) were not to be used by children or adolescents under 16 years.¹¹ Although the decrees did not prohibit the sale of the ATVs with engines <70 mL, which previously had been promoted for children younger than 12 years, none have been manufactured since 1986. After acceptance of the decrees, problems have occurred with some dealers not communicating the age restrictions to consumers, although pressure and enforcement by the CPSC have improved the situation. Nevertheless, children under 12 years still represent 15% of the deaths related to ATVs.¹²⁻¹⁴ It is probable that the most effective outcome of the 1988 consent decrees was the attendant publicity that led up to the decrees and the educational campaigns that occurred after them. The consent decrees expired in 1998. At that time, participating manufacturers agreed to an ATV Action Plan in which they agreed not to market or sell 3-wheeled ATVs, not market or sell adult-size ATVs to or for use by children younger than 16, promote training, and conduct safety education campaigns.¹⁵

The approximately 2.4 million ATVs still in use are associated with significant morbidity and mortality. Almost 2800 deaths have been attributed to ATVs (about 200 to 300 annually) since 1985.¹⁴ The risk of death, approximately .8 to 1.0 per 10 000 ATVs, has remained fairly steady since 1987. Annual emergency department visits for treatment of ATV-related injuries reached a peak of 108 000 in 1986 and declined after that to the present level of about 54 500.¹⁴ Children younger than 16 years account for 47% of the injuries in 1997 and >36% of the deaths since 1985.¹⁵ Head injuries account for most of the deaths, which usually are instantaneous.¹² Serious nonfatal injuries include head and spinal trauma, abdominal injuries, and multiple trauma.⁴ Abrasions, lacerations, and clavicle and extremity fractures are common and less serious.^{4,13} Some studies have suggested that children suffer more severe injuries. The severity of injury is the same for 3- and 4-wheeled ATVs.^{10,13,16} Currently, 4-wheeled vehicles account for 75% of the injuries, largely because of changes in the manufacture and sales of 3-wheeled ATVs after the 1988 consent decree, although many 3-wheeled ATVs remain in use. More injuries occur when ATVs are used for recreation than when they are used for nonrecreational purposes, for example, as farm vehicles.⁴

It is clear that deaths and injuries began to decline in 1986, possibly as an effect of the publicity before the consent decrees on the driving behavior of ATV users. A decline in sales, as well as diminished use by children, occurred after the decrees, but well before

the ban on 3-wheelers and design changes to make "safer" vehicles could have had a great effect.

RECOMMENDATIONS

The American Academy of Pediatrics (AAP) now updates its earlier recommendations^{10,17} to decrease death and injury related to the use of all 2-, 3-, and 4-wheeled ATVs:

1. Education, public and individual patient and parent, about the hazards of all ATVs should continue. (Besides benefiting the riders, it may increase public demand for greater regulation; eg, helmet laws and limitation on use by children.)
2. During anticipatory guidance, families should be asked, either by direct questioning or intake survey, about the kinds of recreational activities in which they engage. Just as those who have a swimming pool merit special counseling, so do families who engage in off-road vehicle use. The following points should be emphasized:
 - Off-road vehicles are particularly dangerous for children younger than 16 years who may have immature judgment and motor skills.¹⁰ Children who are not licensed to drive a car should not be allowed to operate off-road vehicles.
 - Injuries frequently occur to passengers, therefore riding double should not be permitted.
 - All riders should wear helmets, eye protection, and protective reflective clothing. Appropriate helmets are those designed for motorcycle (not bicycle) use, and should include safety visors/face shields for eye protection.
 - Parents should never permit the street use of off-road vehicles, and nighttime riding should not be allowed.
 - Flags, reflectors, and lights should be used to make vehicles more visible.
 - Drivers of recreational vehicles should not drive after drinking alcohol. Parents should set an example for their children in this regard.
 - Young drivers should be discouraged from on-road riding of any 2-wheeled motorized cycle, even when they are able to be licensed to do so, because they are inherently more dangerous than passenger cars.
3. Although the consent decrees required some equipment modifications to make ATVs safer, further changes have been suggested. They include the following:
 - Install seat belts on 4-wheeled ATVs and require that the vehicles also have a roll bar to prevent the driver from being crushed by the weight of the vehicle in the event of a rollover.
 - Headlights that automatically turn on when the engine is started should be routinely installed on all ATVs to improve visibility by other vehicles.
 - Speed governors (devices that limit maximum speed) should be installed on ATVs used by inexperienced operators.
 - Efforts should be made to design ATVs so that they cannot carry passengers.
 - Engine covers on small 2-wheeled vehicles, such as mopeds and minibikes, could reduce

burn injuries resulting from body contact with the engine and exhaust system. A sturdy leg guard could avoid injuries from sideswiping solid objects or being pinned to the ground.

All of these proposed modifications should be thoroughly evaluated before use and monitored after introduction.

4. Laws should be passed in all states requiring motorcycle-style helmets for off-road use as well as for on-road use. Motorcycle helmet laws have been proven to increase helmet use, and helmet use has been proven to reduce death and serious head injuries.^{16,18}
5. Many injuries are caused by various disruptions in the driving surface such as, bumps and holes. Developing and maintaining trails for the use of off-road vehicles may help reduce injury rates.
6. Prehospital care networks and emergency services should be improved in rural areas, which may minimize the effects of injuries and reduce deaths.¹¹
7. The AAP recommends a ban on the sale of all 3-wheeled ATVs, new and used, and a recall with a refund for present owners of the 3-wheeled models.
8. Laws should prohibit the use of ATVs, on- or off-road, by children and adolescents younger than 16 years. An automobile driver's license, and preferably some additional certification in ATV use, should be required to operate an ATV. The safe use of ATVs requires the same or greater skill, judgment, and experience as needed to operate an automobile.
9. ATVs should not be used after sunset or before sunrise, and carrying passengers should not be allowed. These provisions should be included in legislation.
10. Pediatricians should advocate for the passage of the AAP's model bill¹⁹ that:
 - prohibits the use of ATVs, on- or off-road, by children and adolescents younger than 16 years;
 - requires an automobile drivers' license, and preferably some additional certification in ATV use;
 - prohibits the use of ATVs on public streets and highways;
 - prohibits passengers from riding on ATVs;
 - prohibits operating an ATV under the influence of alcohol; and
 - prohibits the use of ATVs between sundown and sunrise.

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All-Terrain Vehicle Regulation Act

A BILL TO REGULATE ALL-TERRAIN VEHICLES ("ATVs") BY, AMONG OTHER THINGS, BANNING THE SALE OF THREE-WHEEL ATVs, PROHIBITING OPERATION OF ATVs BY PERSONS UNDER SIXTEEN YEARS OF AGE, IMPOSING OPERATOR LICENSING AND VEHICLE REGISTRATION AND INSURANCE REQUIREMENTS, PROHIBITING OPERATION OF ATVs IN A CARELESS AND RECKLESS MANNER, AND IMPOSING VEHICLE AND OPERATING SAFETY REQUIREMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF

Section 1. Title. This Act shall be known and may be cited as the "ALL-TERRAIN VEHICLE REGULATION ACT."

Section 2. Legislative Findings.

(a) The legislature hereby finds and declares that nationwide:

- (1) injuries associated with all-terrain vehicle use have more than tripled between 1983 and 1986;
- (2) since 1982, more than 1,100 all-terrain vehicle riders have been killed and nearly 420,000 injured, with annual emergency room treatments of injuries related to all-terrain vehicle use increasing from 8,600 in 1982 to 26,900 in 1983, to 63,900 in 1984, to 85,900 in 1985, and to 86,400 in 1986;
- (3) nearly one-half of all individuals injured in all-terrain vehicle accidents are under 16 years of age;
- (4) over one-half of all individuals injured in all-terrain vehicle accidents do not wear any type of protective equipment; and
- (5) three-wheel all-terrain vehicles are particularly dangerous and create a substantial risk of injury to the public.

(b) It is therefore the purpose of this act to regulate the use of all-terrain vehicles in this state.

Section 3. Definitions.

- (a) "All-terrain vehicle" means any motorized off-highway vehicle fifty (50) inches (1270 mm) or less in width, having a dry weight of six hundred (600) pounds (273 kg) or less, traveling on three (3) or more low-pressure tires, having a seat or saddle designed to be straddled by the operator and handlebars for steering control, and such other off-highway vehicles as may be designated by the Department.
- (b) "Commissioner" means the [Commissioner of Natural Resources].

- (c) "Dealer" means any person engaged in the business of selling, leasing or renting all-terrain vehicles at retail, at a regular place of business.
- (d) "Department" means the [Department of Natural Resources].
- (e) "Manufacturer" means any person engaged in the business of manufacturing all-terrain vehicles or any importer, distributor, factory branch or factory representative of the manufacturer.
- (f) "Owner" means any person having a property interest or title to an all-terrain vehicle and entitled to the use and possession of the vehicle.
- (g) "Person" means every natural person, firm, copartnership, association or corporation.
- (h) "Register" means the act of assigning and recording a registration number for an all-terrain vehicle.

Section 4. Ban of three-wheel all-terrain vehicles.

- (a) The sale of three-wheel all-terrain vehicles by manufacturers or dealers is prohibited.
- (b) The manufacturers of three-wheel all-terrain vehicles shall provide to persons who -
 - (1) before the date of the enactment of this act, purchased three-wheel all-terrain vehicles, and
 - (2) return the vehicles to the manufacturer in accordance with regulations of the Department under subsection (c)(1), a refund in an amount determined under such regulations.

(c) Not later than one hundred eighty (180) days after the date of the enactment of this act, the Commission shall promulgate a rule:

- (1) prescribing the procedure for the return of three-wheel all-terrain vehicles for purposes of receiving the refund under subsection (b), and
- (2) for determining the amount to be refunded under subsection (b). Refunds shall equal the purchase price of the all-terrain vehicle, less a reasonable allowance for use if a vehicle has been in the possession of a consumer for more than one (1) year as of the effective date of this Act.

Section 5. Requirements of dealers to distribute safety information.

- (a) Dealers shall distribute such information to all-terrain vehicle purchasers on state laws, safety requirements, training programs, operating characteristics and potential risk of injury associated with all-terrain vehicles, as is prescribed by the Commissioner under subsection (b).
- (b) Not later than one hundred eighty (180) days after the date of this enactment, the Commissioner shall promulgate a rule prescribing the information that must be provided by dealers to purchasers of all-terrain vehicles under subsection (a).

Section 6. Prohibition against all-terrain vehicle operation by persons under sixteen (16) years of age.

No person under sixteen (16) years of age shall operate an all-terrain vehicle anywhere in this state, at any time or under any circumstances.

Section 7. Licensing Requirement.

(a) No person sixteen (16) years of age or older shall operate an all-terrain vehicle within this state unless the person satisfies one of the following conditions:

- (1) the person is operating the vehicle as part of a prescribed vehicle safety education,

training and skills demonstration program and is under the direct supervision of a certified all-terrain vehicle safety instructor; or

(2) the person holds a current operator's license issued by this state or issued under the authority of another state or province of Canada; provided, however, that an operator's license issued under the authority of another state or province of Canada shall only be valid in this state if the Commissioner has previously certified that said state or province's licensing requirements are substantially comparable to those of this state.

(b)(1) No later than one hundred eighty (180) days after the date of enactment of this act, the Commissioner shall promulgate rules establishing procedures for licensing operators of all-terrain vehicles, as well as a comprehensive all-terrain vehicle safety education, training and skills demonstration program. The program shall include a knowledge and skills test incorporating minimum requirements designed to develop and instill the knowledge, attitudes, habits and skills necessary for the safe operation of an all-terrain vehicle.

(2) The Commissioner shall not issue an all-terrain vehicle operator's license to any individual unless he or she has successfully completed the vehicle safety education, training and skills demonstration program, passed the knowledge and skills test and otherwise complied with such procedures as have been established by the Commissioner.

Section 8. Registration and insurance requirement.

(a) Except as provided in subsection (b), no person may operate an all-terrain vehicle within this state after [December 31, 19__] unless the all-terrain vehicle has been registered annually with the Department and there is displayed on the left rear fender of the vehicle a decal showing the registration number and expiration date.

(b) A registration is not required for the following:

- (1) all-terrain vehicles owned and operated by the United States, another state or a political subdivision thereof;
- (2) all-terrain vehicles owned and operated by this state or by any municipality or political subdivision thereof; and
- (3) all-terrain vehicles covered by a valid registration of another state or country that have not been within this state for more than thirty (30) days.

(c) A person may not register any all-terrain vehicle unless there is a liability insurance policy in force on the vehicle covering claims by the operator or other persons for any injuries to them or their property that might arise out of the operation of the vehicle.

(1) the liability insurance shall provide coverage for at least:

- (i) \$50,000 bodily injury per individual;
- (ii) \$100,000 bodily injury per accident; and
- (iii) \$10,000 property damage protection.

(2) the owner of the vehicle shall furnish proof of insurance to the Commissioner annually at the time that the vehicle is registered. The owner shall notify the Commissioner immediately if the coverage terminates for any reason before the expiration of the annual registration of the vehicle.

(d) No later than one hundred eighty (180) days after the date of enactment of this act, the Commissioner shall promulgate rules relating to all-terrain vehicles, including:

- (1) application for, and registration of, all-terrain vehicles and display of registration numbers;
- (2) use of all-terrain vehicles that affect fish and game resources;
- (3) use of all-terrain vehicles on public lands and waters under the jurisdiction of the Department;
- (4) uniform signs to be used by the state, municipalities and political subdivisions of the state to control, direct or regulate the operation and use of all-terrain vehicles; and
- (5) assessment of a reasonable fee payable by applicants to cover the cost of registration, said fee not to exceed \$25.00.

Section 9. Operation of all-terrain vehicle in careless or reckless manner prohibited. No person shall operate an all-terrain vehicle in a careless or reckless manner so as to endanger or cause injury or damage to any person or property.

Section 10. Operation on streets, roads and highways prohibited.

(a) Except as provided in this section, an all-terrain vehicle shall not be driven or operated on any public street, road or highway of this state.

(b) The crossing of a street, road or highway is permitted only if:

- (1) the crossing is made at an angle of approximately ninety degrees (90°) to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
- (2) the vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
- (3) the operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;
- (4) in crossing a divided highway, the crossing is made only at an intersection of the highway with another public street, road or highway; and
- (5) if equipped, both the headlight and taillight are on when the crossing is made.

(c) The crossing of any interstate or limited access highway is not permitted.

Section 11. Helmet and eye protection required. No person shall operate, ride or be otherwise propelled on an all-terrain vehicle within this state unless the person wears a safety helmet meeting United States Department of Transportation standards for motorcycle helmets and eye protection meeting Department standards. No later than one hundred eighty (180) days after the date of enactment of this act, the Commissioner shall promulgate rules establishing safety standards for such eye protection.

Section 12. Passengers prohibited. No operator of an all-terrain vehicle shall carry a passenger when operating the vehicle within this state.

Section 13. Operating under the influence of alcohol or a controlled substance prohibited. A person shall not operate or be in actual physical control of an all-terrain vehicle in this state when the person is:

- (a) under the influence of alcohol;
- (b) under the influence of one or more controlled substances;
- (c) under the influence of a prescription or nonprescription drug that impairs vision or motor

coordination; or

(d) under the influence of a combination of any two or more of the elements in subsections (a) through (c).

Section 14. Operation after sunset prohibited. No person shall operate an all-terrain vehicle between sunset and sunrise.

Section 15. Service brakes. Every all-terrain vehicle must be equipped with a brake system maintained in good operating condition.

Section 16. Muffler. Every all-terrain vehicle must be equipped with a muffler system in good working condition.

Section 17. Spark arrester. Every all-terrain vehicle must be equipped with a United States Forest Service qualified spark arrester.

Section 18. Exhaust system modifications prohibited. No person shall:

- (a) equip the exhaust system of an all-terrain vehicle with a cutout, bypass or similar device;
- (b) operate an all-terrain vehicle with an exhaust system so modified; or
- (c) operate an all-terrain vehicle with the spark arrester removed or modified.

Section 19. Responsibility of owner. No owner shall authorize or permit an all-terrain vehicle to be operated contrary to this act.

Section 20. Accidents and accident reports. If an accident results in the death of any person, or in the injury of any person which results in treatment of the person by a physician, the operator or owner of each all-terrain vehicle involved in the accident shall give notice of the accident in accordance with Department regulations. No later than one hundred eighty (180) days after the date of enactment of this act, the Commissioner shall promulgate rules for giving such notice.

Section 21. Civil penalties.

- (a) Any person who violates section 4(a) shall be subject to a civil penalty not to exceed \$1,000 for each such violation. A violation of section 4(a) shall constitute a separate violation with respect to each sale prohibited thereby.
- (b) Any person who violates any section of this act other than section 4(a) shall be subject to a civil penalty not to exceed \$200 for each such violation.

Section 22. Effective date. This act shall become effective immediately upon being enacted into law.

February 1989.

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Return to Model Bills

Stevenson, Todd A.

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From: Karen Moore [kmoore@OrMedAssoc.org]
Sent: Thursday, December 12, 2002 1:31 PM
To: cpsc-os@cpsc.gov
Subject: Petition CP-02-4/HP-02-1, Petition on ATVs



header.htm

December 12, 2002

Secretary Todd Stevenson
Office of the Secretary
U.S. Consumer Product Safety Commission
Washington, DC 20207

RE: Ban of All-Terrain Vehicles Sold for Use by Children under 16 Years Old

Dear Secretary Stevenson,

The Oregon Chapter of the American College of Emergency Physicians (O.C.E.P.) supports petition CP-02-4/HP-02-1, which requests that the U.S. Consumer Product Safety Commission ban the sale of adult-size four wheel all-terrain vehicles ("ATVs") sold for the use of children under sixteen years of age. O.C.E.P. encourages safety and supports this petition because of the number of deaths and injuries to children as a result of all-terrain vehicle accidents.

Sincerely,
Janet Paquette, MD, FACEP
O.C.E.P. President
David Toovy, MD, MPH, FACEP
O.C.E.P. Past-President and Legislative Committee Chair



A nonprofit organization
dedicated to protecting children by
improving children's product safety

December 12, 2002

Office of the Secretary
Consumer Product Safety Commission
Washington DC 20207

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**Comments on the Petition Requesting Ban of All-Terrain Vehicles Sold
for Use by Children Under 16 Years Old
(Petition CP-02-4/HP-02-1)**

Kids In Danger, a nonprofit organization dedicated to protecting children by improving children's product safety, supports the petition to ban adult size ATVs sold for use by children under 16. Children under 16 are being killed or injured on these vehicles in ever increasing numbers. While these vehicles pose risks to all users, we believe that children are at an even greater risk because of their size, judgment, and motor skills.

The American Academy of Pediatrics (AAP) and the American Academy of Orthopaedic Surgeons (AAOS) have concluded that the safe operation of ATVs requires the same or greater skill, judgement and experience as needed for cars and that children under 16 should therefore not be allowed to drive them under any circumstances.

Between 1982 and 2001, 1,714 children under the age of 16 – or 38 percent of the total number of fatalities – were killed while riding ATVs. Of those, 799 were children under age 12. Between 1993 and 2001, ATV-related injuries suffered by children under 16 increased 94 percent to 34,800.

The CPSC should ban the use of adult-size ATVs by children under 16. We urge the CPSC to approve the petition submitted by the Consumer Federation of America and joined by Kids in Danger and other organizations.

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December 12, 2002

Office of the Secretary
Consumer Product Safety Commission
Washington, DC 20207

RE: Petition CP-02-4/HP-02-1, Petition on ATVs.

Dear Secretary Stevenson:

The American Motorcyclist Association (AMA) is a not-for-profit organization, founded in 1924 and incorporated in Ohio. In partnership with our sister organization, the All-Terrain Vehicle Association (ATVA), we represent nearly 270,000 off-highway vehicle and motorcycle enthusiasts nationwide. Our members are interested in any action that may affect their enjoyment of motorcycle or all-terrain vehicle (ATV) recreation. In this regard, we write in opposition to the rulemaking petition which would ban the sale of "adult-size" four wheel ATVs sold for use of children under 16 years of age.

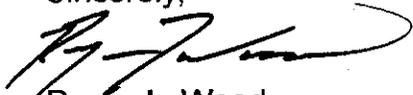
We recognize the value of the age guidelines developed by the CPSC in cooperation with the manufacturers of ATVs through the consent decree. These age guidelines form the basis of the youth riding safety materials that we distribute as well as the basic class structure of our amateur competition program. However, our members report that the consent decree guidelines are not appropriate in every situation. Most concerns involve teen-age riders who have physically outgrown youth model ATVs. The problem is so common that AMA/ATVA members have petitioned our competition rulemaking body to depart from the consent decree guidelines for certain age groups.

ATV recreation and competition enthusiasts are not alone in observing that consent decree guidelines are not always appropriate. Increasingly, state ATV safety programs are recognizing that it is more important for youngsters to be properly "sized" for a vehicle than it is to follow the guidelines in every case. Some state programs allow children to participate in safety training courses on non-youth model ATVs.

Although the consent decree provides reasonable guidance, especially for families new to motorized recreation, the guidelines should remain guidelines – not rules. Prohibiting the sale of certain machines for use by persons under the age of 16 would eliminate any opportunity for parental discretion in ATV choice. We believe that this prohibition would amount to a *de facto* regulation of ATV use.

No one is more concerned about ATV-related fatalities and injuries than the motorized recreation community. However, we are not satisfied that the statistics have been put into the context of rapidly expanding ATV sales or presented in a format that is useful to the enthusiast community. As consumers of ATVs, our members would greatly benefit from quality information presented in a way that promotes informed decision making. Unfortunately, most of the data that has been published about ATV injuries has been packaged by special interest groups who are opposed to any form of motorized recreation – not a source that ATV enthusiasts can trust. We hope that the CPSC will soon complete a more comprehensive study of ATV injuries and that the agency will look to the enthusiast community for input and support.

Sincerely,



Royce L. Wood
American Motorcyclist Association



Doug Morris
All-Terrain Vehicle Association

ATV comm 28



Consumer Federation of America

December 12, 2002

Secretary Todd Stevenson
Office of the Secretary
U.S. Consumer Product Safety Commission
Washington, DC 20207

Dear Secretary Stevenson,

Consumer Federation of America (CFA) is submitting this comment to supplement the information included in our petition, CP-02-4/ HP-02-1, requesting that U.S. Consumer Product Safety Commission ban the sale of adult-size four-wheel all-terrain vehicles ("ATVs") sold for the use of children under sixteen years of age.

CFA has been committed to ATV safety for over a decade. In particular, we have focused our work on the impact that riding ATVs has had upon children under sixteen-years-old. Our petition reiterates CPSC data, which consistently shows that more and more children each year are being physically harmed while riding ATVs that are too large, too heavy, too complex, and too powerful for them to operate safely.

For example, we know that from 1993 through 2001, the number of ATV-related injuries suffered by children under sixteen increased 94 percent to 34,800 and that although children under sixteen account for approximately 14 percent of all ATV riders, they suffer 37 percent of all injuries and 38 percent of total fatalities. In addition, CPSC has determined that the continual increase in the number of annual injuries is not explained away by the rising sales of ATVs. Rather, CPSC concluded that there have been "statistically significant" increases in the number of deaths and injuries caused by ATVs each year from 1997 to 2001.

While comprehensive data exists through 2001, anecdotal data shows that death and injuries have continued unabated over the past year. Based upon a limited search of newspaper and television reports since August 20, 2002, the following articles illustrate the pervasive and harmful impacts of ATVs upon consumers and children specifically.

- Since July 2000, 74 people have died on ATVs in Kentucky, according to CPSC. That is half as many as were killed in the eighteen-year period from 1982 to 2000 when 140 ATV fatalities were recorded. *"Lawmakers should try to Reduce ATV Deaths, The Kentucky Post, Editorial, August, 20 2002.*
- In Minnesota, six people have died and 209 have been injured in ATV accidents this year. *Shira Kanter, "Groups seek to ban children from riding ATVs," Star Tribune, August 21, 2002.*
- In North and South Carolina, there have been a number of young people killed, including a nine-year-old boy from Davidson County in April, a seven-year-old boy from Sumter County, South Carolina in 1998, and a nine-year-old boy from

Charlotte in 1998. *Andrew Shain, "ATV ban sought for under 16, Youngest riders said to suffer death, injury disproportionately," Charlotte Observer, August 21, 2002.*

- On May 15, 2002 in Itasca County, Minnesota a three-year-old boy died after he started an unattended 500-cc, six-wheel ATV and accelerated quickly. The child rode the machine until he fell off of it and was run over. *Dennis Lien, "MINNESOTA: ACCIDENTS: Crashes have killed 78 people since 1995, state DNR says," St. Paul Pioneer Press, August 21, 2002.*
- In Minnesota, according to statistics from the state's Department of Natural Resources, there were 207 ATV accidents in 2001 involving 227 injuries. Of those, eight were fatalities and 103 involved people ages 10 to 19. Seven cases involved children under the age of 10. *Rona K. Johnson "SAFETY: ATVs are not toys; Officials: Society must change attitude to avoid accidents involving children," Grand Forks Herald, August 22, 2002.*
- In North Dakota, ATV related accidents and fatalities have been increasing gradually, according to crash facts published by the North Dakota Department of Transportation Drivers License and Traffic Safety Division. In 1993, there were five crashes involving ATVs and five injuries, and no fatalities. In 2001, there were 18 crashes involving ATVs, 13 injuries and two fatalities. *Rona K. Johnson "SAFETY: ATVs are not toys; Officials: Society must change attitude to avoid accidents involving children," Grand Forks Herald, August 22, 2002.*
- In Lacoochee, Florida, a crash of an all-terrain vehicle in northeastern Pasco County claimed the life of a teenager and injured a ten-year-old boy. *Candace J. Samolinski, "Pasco Teen Dies After ATV Hits Barbed-Wire Fence," Tampa Tribune- metro section, Aug 22, 2002.*
- In Maine, at least 20 children have been injured this year while riding all-terrain vehicles. In some cases their heads struck the ground after being tossed into the air, while in others their bodies were pinned by the 500-pound machines. *Misty Edgecomb, "ATV crashes on the rise in Maine, Accidents involving children prompt call for tougher rules" Bangor Daily News, August 22, 2002.*
- In Georgia, the number of children treated for ATV injuries at Northeast Georgia Medical Center has doubled in the past year. One example of these incidents occurred on the night of August 3rd, when a seven-year-old boy was killed when the ATV he was riding overturned. *Debbie Gilbert, "Rise in ATV injuries brings call for change," Gainesville Times, September 2, 2002.*
- In Henry County, Virginia, an eight-year-old boy was killed in ATV incident during the weekend of September 21-22, 2002. *Hobbie Lehman, "ATV Driver Age Requirements," ABC 13, WSET, September 24, 2002.*
- In Olympia, Washington, two fourteen-year-old boys were seriously injured on September 22, 2002 in separate accidents at the same ORV park. *Cindy Yingst, "Agency's look at age limits perturbs riders," The Olympian, September 30, 2002.*

- In West Virginia, three thirteen-year-olds died and a fourteen-year-old was injured in ATV crashes in one five day period. *Tom Searls, "ATV deaths renew debate on restrictions," The Charleston Gazette, October 3, 2002.*
- In Robinhood, Mississippi, three girls, two-fourteen year-olds and one twelve-year-old, died in an ATV crash. Two were killed on October 4, 2002 while the third passed away two days later. *Theresa Kiely, "Collision claims 3rd victim, 12," The Clarion Ledger, October 6, 2002.*
- In Utah so far in 2002, eight people have died in ATV incidents. One of those killed was under age sixteen. *Kevin Cantera, "Driven Young," Salt Lake Tribune, October 27, 2002.*
- In Connecticut, in November 2002, two women were injured in an ATV crash and a 45-year-old man and a six-year-old were injured when the ATV they were riding rolled over. *Jennifer Hicks, "Young Women hurt in ATV crash." Norwich Bulletin, November 20, 2002.*
- In West Virginia, the nation's current leader in ATV deaths per capita, twenty four people have died while riding ATVs this year. *"Motorcyclists start ATV helmet Program," Dominion Post, December 2, 2002.*
- In Oregon, ten-year-old Kyle Rabe was killed this May after his family's ATV tipped over on him as he was returning home for supper. Kyle's death was one in a rash of five ATV-related deaths in the Mid-Willamette Valley this year. *Carol McAlice Currie, "Santa, please help family's warnings ring loud" Statesman Journal, December 10, 2002.*

While anecdotal, and merely a small sampling of the press coverage concerning ATVs since August 20, 2002, these articles tell the story of a nationwide epidemic in which children are killed or seriously injured while riding on all-terrain vehicles.

CFA's petition, CP-02-4/ HP-02-1, requests that the U.S. Consumer Product Safety Commission ban the sale of adult-size four-wheel all-terrain vehicles ("ATVs") sold for the use of children under sixteen years of age. CFA urges CPSC to reverse this deadly status quo by approving our petition.

Sincerely,



Rachel Weintraub
 Assistant General Counsel
 Consumer Federation of America